



OPELIKA CITY COUNCIL
“ REGULAR MEETING AGENDA “
300 Martin Luther King Blvd.
August 18, 2020
TIME: 7:00 PM

1. CALL TO ORDER
2. ROLL CALL
 1. Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon, Eddie Smith
3. INVOCATION
 1. Dr. Nathaniel Dunlap, Jr. Executive Director of the PRF Institute.
4. PLEDGE OF ALLEGIANCE
 1. Lexi Knight from Girl Scout Troop 7238 and Amelia Gullatte from Girl Scout Troop 7230.
5. READING OF MINUTES
 1. Minutes from the 08-04-20 Council Meeting.
6. UNFINISHED BUSINESS
7. REMARKS BY THE MAYOR
 1. City's Financial Summary Report for July 2020.
 2. July 2020 Monthly Building Report.
 3. Recognize the new 20 Under Forty class for 2020 - 2021.
8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)
9. REPORT OF DISBURSEMENTS
10. COMMITTEE REPORTS
11. GENERAL BUSINESS
 1. Request by Main Street for annual On the Tracks event on 8-9-20.
 2. Public Hearing - Amend Zoning Ordinance Section 2.2, 7.3; Add Section 8.28, 8.28.1.
 3. Public Hearing - Rezoning, 21.9 Acres, 3001 Hi Pack Drive.
 4. Public Hearing - Project Agreement with Bonnie Plants, Inc.
 5. Public Hearing - Weed Abatement Assessment - 206 Byrd Ave.
 6. Public Hearing - Weed Abatement Assessment - 308 Brannon Ave.
 7. Public Hearing - Weed Abatement Assessment - 509 1st Ave.
 8. Public Hearing - Weed Abatement Assessment - 810 Williamson Ave.
 9. Public Hearing - Weed Abatement Assessment - 1733 1st Ave.
 10. Public Hearing - Demolition at 509 1st Avenue.
 11. Public Hearing - Demolition at 1400 2nd Avenue.

12. AWARDING OF BIDS

13. RESOLUTIONS

1. Expense Reports from various departments.
2. Designate City Personal Property as Surplus & Authorize Disposal.
3. Request Refund of Occupational License Fees to Sawyer Stephens.
4. Request Refund of Sewer Service Fees at 1998 1st Avenue.
5. Purchase - Zoll X-Series Defibrillator - Sole Source - FD.
6. Purchase - Furniture for Covington Rec Ctr - State Contr #T390 - P&R.
7. Approve Change Order - Fire Training Facility - PW.
8. Project Agreement with Bonnie Plants, Inc. and AFICC.
9. Approve Tax Abatements and Exemptions for Bonnie Plants, Inc. and AFICC.
10. Weed Abatement Assessment - 206 Byrd Ave.
11. Weed Abatement Assessment - 308 Brannon Ave.
12. Weed Abatement Assessment - 509 1st Ave.
13. Weed Abatement Assessment - 810 Williamson Ave.
14. Weed Abatement Assessment - 1733 1st Ave.
15. Resolution for Demolition - 509 1st Avenue.
16. Resolution for Demolition - 1400 2nd Avenue.
17. Authorize New Job Classification and Description for Community Relations Specialist with OPD.
18. Authorize Fire Hydrant Rental Agreement with the Utilities Board of the City of Opelika.
19. Special Appropriation to Chamber of Commerce, 20 Under Forty program.
20. Special Appropriation to Chamber of Commerce, Lee County Young Leaders program.
21. Special Appropriation to Opelika Learning Center for the Positive Behavior Dog Pound program.
22. ADECA Grant Application for Youth Incarceration Prevention Program.

14. ORDINANCES

1. Request for Annexation, 11.3 acres at the 3800 Block of Hamilton Rd - 2nd Reading.
2. Amend Zoning Ordinance Section 2.2, 7.3; Add Section 8.28, 8.28.1. - 1st Reading
3. Amend Zoning & Ord Map: Rezoning, 21.9 Acres, 3001 Hi Pack Drive - 1st Reading.
4. Grant a Non-Exclusive Franchise to the Utilities Board of the City of Opelika - 1st Reading.

15. APPOINTMENTS

1. Reappoint Henry J. Stern Jr. to the Celebrate Alabama Cooperative District - New term ends 8-27-2024.
2. Reappoint John Marsh to the Downtown Redevelopment Authority - New term ends 8-19-2026.
3. Reappoint Debbie Purves to the Downtown Redevelopment Authority - New term ends 8-19-2026.
4. Reappoint Jimmy Sharp to the Downtown Redevelopment Authority - New term ends 8-19-2026.

16. ADJOURN

1. Character Trait of the Month - Respect, a feeling of deep admiration for someone or something elicited by their abilities, qualities, or achievements.

"In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-2083."



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

CM MINUTES (ID # 4202)

Meeting: 08/18/20 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:
DOC ID: 4202

Minutes from the 08-04-20 Council Meeting.



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
 300 Martin Luther King Blvd.
August 4, 2020
TIME: 7:00 PM

1. Call to Order

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

2. Roll Call

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

3. Invocation

Mr. Motley provided the invocation.

1. Joey Motley City Administrator.

4. Pledge of Allegiance

Molly Barnes and Elsie Beaver of Girl Scout Troop 7238 led the Pledge of Allegiance.

1. Molly Barnes and Elsie Beaver from Girl Scout Troop 7238.

5. Reading of Minutes

1. Minutes from the 07-21-20 Council Meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller first reminded everyone that the city had a police department town hall meeting scheduled for Thursday August 6, 2020 that would be available for the public to attend in the Municipal Courtroom or to be viewed on the city's You tube channel.

1. ADEM Grant Check Presentation.

Mayor Fuller asked William (JR) Stabler, assistant director of OES, and Abby Ferguson from ADEM to come up front and join him for the check presentation. Mayor Fuller read a statement about the program the city participates in and asked if Mr. Stabler had anything to say. Mr. Stabler thanked the citizens of Opelika for their continued support and participation in the program. Ms. Ferguson then presented a check to the city in the amount of \$40,327.77 and thanked the city for their continuous participation in the recycling program.

2. Attaboy Award for Officer Griffin.

Mayor Fuller asked Assistant Police Chief Brown, Captain Amerson, Captain Healey, Lieutenant Blackburn, Lieutenant Cook and Officer Griffin to join him up front for the another check presentation to Officer Griffin. Mayor Fuller read about the great job Officer Griffin did on a particular investigation and subsequent arrest and thanked him for his service. Captain Amerson stated how he has been a mentor to Officer Griffin and is very proud of the officer he has become. Assistant Chief Brown also stated his appreciation and admiration of the job Officer Griffin has done and thanked the mayor and council for recognizing his work. Lieutenant Cook finally stated

Attachment: CM minutes from 8-4-20 (4202 : Minutes from the 08-04-20 Council Meeting.)

how hard of a worker he is and when he says he is going to do something Officer Griffin does it. Mayor Fuller once again thanked Officer Griffin for his service and dedication.

8. Citizen Communications

Elizabeth Burton of 1416 Elm St spoke to the mayor and council. Ms. Burton began by asking when the repairs to Clanton St and Geneva St were going to be finished. Ms. Burton stated the condition of those two road are causing multiple problems and have been under construction for many months and she would like to know when they would be finished. Mayor Fuller asked city engineer Scott Parker to answer her question. Mr. Parker stated that sections of those roads are closed to try and avoid any accidents people may get from the construction and they are only a few weeks from completion. Ms. Burton then stated her concern about not all the garbage on the side of the road on Meadows Ave not being collected and there are also overgrown areas that are accumulating and it an eyesore for Ward 1. Mayor Fuller answered they would make note of those concerns. Ms. Burton also stated a young lady that works from home and lives on Carver Ave near the city's construction area had her internet line cut accidentally and this is a another problem the city should take care of. Ms Burton ended by asking if Covington Recreation Center's renovation would be completed before the city's municipal election on August 25 because the construction there may hinder people from voting. Mayor Fuller and Mr. Motley stated that the renovation would not be completed but there have been two other elections held at Covington during the construction and they have not had any issues in those past elections during the renovations.

9. Report of Disbursements

10. Committee Reports

11. General Business

President Smith asked Mr. Jones to present the general business.

1. Request from Chamber of Commerce for 2020 Christmas Parade.

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

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

2. Request Alcohol License - Supreme Galaxy LLC. DBA JK Foodmart, Retail Wine and Beer Off Premise.

Ms. Pitts asked who signed by Chief McEachern's name. President Smith asked if the pages sent out included the chief's signature. Ms. Pitts stated it looked like someone named "k" something signed. Mr. Motley stated is was probably Assistant Chief Kasey Brown. Assistant Chief Kasey Brown stated when Chief McEachern is not available to sign these documents he is asked to do so in his stead. Ms. Pitts stated she was just checking because she didn't recognize the signature.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

3. Public Hearing - Weed Abatement Assessment - 311 S 3rd St.

Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

President Smith asked Mr. Motley to present the bids.

1. Bids 146-20 Industrial Boulevard Improvements - ENG.

Mr. Canon asked about truck traffic being held up due to the improvements. Mr. Parker answered that the contractor will be required to accommodate the traffic. Mr. Canon also asked if there will be some temporary off site parking as well. Mr. Motley answered that West Fraser will hold their trucks on their lot to accommodate for the extra parking needed.

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

13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 147-20 Expense Reports from various departments.

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

2. Resolution 148-20 Purchase - One (1) Pole Trailer - Sourcewell Contract #012418-ALT - OPS.

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

3. Resolution 149-20 Purchase - Mako Breathing Air Compressor - Sole Source - FD.

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

4. Resolution 150-20 Proposal for Sportsplex Camera System RFP - IT.

Mr. Canon asked Mr. Dawe about the amount of the highest bid versus the lowest bid and if this is the same type of labor to install previously purchased equipment. Mr. Dawe confirmed that each bid, even though very different in amounts, were the exact same.

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

5. Resolution 151-20 Emergency Repairs - Rockybrook Road Dam - PW.

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

6. Resolution 152-20 Approve Tax Abatements and Exemptions for Car Tech, LLC.

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

7. Resolution 153-20 Approve Contract with Leadership Empowerment Strategies, LLC for Diversity and Cultural Inclusion Initiative.

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

8. Resolution 154-20 Approve Agreement with Jackson Thornton & Co, P.C. for Consulting Services - OPS.

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

9. Resolution 155-20 Approve Payment of Invoices Submitted by ALDOT for Reimbursable Expenditures.

Mr. Smith T asked about the ARRA resurfacing invoice and what that was. Mr. Parker answered that he thought it was American Recovery Act or something similar but could not recall completely due to it being before he came to the city. Mr. Smith T also asked if it was just a general resurfacing project and Mr. Parker answered yes.

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

10. Resolution 156-20 Grant Application, 2020 Byrne Justice Assistance Grant (JAG) - OPD.

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

11. Resolution 157-20 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

12. Resolution 158-20 CDBG PY2020 Action Plan.

Ms. Pitts thanked Community Development for adding Circles Opelika to the CDBG action plan.

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

13. Resolution 159-20 Request to Construct Subdivision Sign in Right-Of-Way, Waterford Boulevard.

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

14. Resolution 160-20 Appoint Election Officials for City Election on August 25, 2020.

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

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance Request for Annexation, 11.3 acres at the 3800 Block of Hamilton Rd - 1st Reading.

Mr. Canon introduced this ordinance for a first reading.

15. Appointments

16. Adjourn

The City Council meeting minutes of August 4, 2020 are hereby adopted and approved this the ____ day of _____, 2020.

 President of City Council
 City of Opelika, Alabama

ATTEST:

 Russell A. Jones

City Clerk - Treasurer

1. Motion to Adjourn.

Ms. Jones asked about the letter from Opelika City Schools being added to the next agenda.

President Smith answered that he would be ok with that. Mr. Jones stated that absentee voting for

the municipal election on August 25 has begun and if anyone would like to vote absentee in the City Clerk's office they can and the last day to do so is August 20. President Smith added that the character trait of the month would be on the next meeting agenda. The council meeting ended at 7:33 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

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: City Clerk
Category: Financial Statements
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:

MAYOR'S REMARKS (ID # 4218)

DOC ID: 4218

City's Financial Summary Report for July 2020.

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups (Interim Report)
 July 31, 2020
**Thousands of dollars*

	Governmental Funds					Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund					
ASSETS										
Cash	\$ 36,714	\$ 14,669	\$ 37	\$ 1,038	\$ -	\$ 4,641	\$ 41,124	\$ -	\$ -	\$ 98,223
Certificates of deposit	21,987	5,000	-	-	-	-	8,229	-	-	35,216
Receivables:										
Accounts and unbilled service	-	-	-	180	-	-	5,070	-	-	5,250
Taxes	7,348	8,105	-	-	-	-	-	-	-	15,453
Licenses and fees	3,006	-	-	-	-	-	-	-	-	3,006
Fines and forfeitures	-	-	-	-	-	-	-	-	-	-
Assessments	199	-	-	-	-	-	-	-	-	199
Interest	(248)	-	-	-	3	-	(3)	-	-	(248)
Other	334	653	-	-	-	(1)	-	-	-	986
Due from other funds	25	-	-	-	-	-	8,500	-	-	8,525
Due from other governments	3,000	167	-	194	-	-	894	-	-	4,255
Inventories of supplies, at cost	137	-	-	-	-	-	1,132	-	-	1,269
Prepaid expenses	488	-	-	-	-	-	-	-	-	488
Investments	-	17	-	-	1,230	-	-	-	-	1,247
Investments with fiscal agent	-	-	989	-	-	-	1,002	-	-	1,991
Capital assets:										
Land	-	-	-	-	-	-	2,462	10,368	-	12,830
Buildings	-	-	-	-	-	-	13,666	45,437	-	59,103
Equipment	-	-	-	-	-	-	11,912	24,209	-	36,121
Utility systems	-	-	-	-	-	-	117,863	-	-	117,863
Infrastructure	-	-	-	-	-	-	-	119,600	-	119,600
Construction in progress	-	-	-	-	-	-	268	23,577	-	23,845
Total capital assets	-	-	-	-	-	-	146,171	223,191	-	369,362
Less: accumulated depreciation	-	-	-	-	-	-	(72,319)	(66,707)	-	(139,026)
Capital assets, net	-	-	-	-	-	-	73,852	156,484	-	230,336
Deposits	-	69	-	-	-	19	2	-	-	90
Amount to be provided for general long term debt	-	-	-	-	-	-	-	-	86,747	86,747
Total assets	72,991	28,679	1,026	1,412	1,232	4,659	139,804	156,485	86,747	493,035
DEFERRED OUTFLOWS OF RESOURCES										
Employer retirement contributions	-	-	-	-	-	-	1,528	-	-	1,528
Difference on projected OPEB earnings investments	-	-	-	-	-	-	638	-	-	638
Bond refunding costs	-	-	-	-	-	-	2,404	-	-	2,404
Total deferred outflows of resources	-	-	-	-	-	-	4,571	-	-	4,571

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups (Interim Report)
 July 31, 2020
 *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	664	-	-	1	-	8	9,281	-	-	9,954
Interest payable	-	-	-	-	-	-	441	-	-	441
Accrued payroll and benefits, due within one year	129	-	-	-	-	-	157	-	-	286
Due to other funds	-	25	-	-	-	-	8,500	-	-	8,525
Due to other governments	27	5	-	-	-	-	-	-	-	32
Claims and judgements, due within one year	-	-	-	-	-	312	-	-	-	312
Bonds payable due within one year	-	-	-	-	-	-	590	-	-	590
Claims and judgements, due in more than one year	-	-	-	-	-	136	-	-	-	136
Bonds payable, due in more than one year	-	-	-	-	-	-	28,340	-	86,747	115,087
Net pension liability	-	-	-	-	-	-	8,828	-	-	8,828
Accrued payroll & benefits, due in more than one year	-	-	-	-	-	-	1,545	-	-	1,545
Customer deposits held	-	-	-	-	-	-	3,166	-	-	3,166
Total liabilities	820	30	-	1	-	457	60,848	-	86,747	148,903
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan	-	-	-	-	-	-	418	-	-	418
Net change in OPEB assumptions	-	-	-	-	-	-	37	-	-	37
Unearned revenues	4,186	8,796	-	194	-	355	222	-	-	13,753
Total deferred inflows of resources	4,186	8,796	-	194	-	355	678	-	-	14,210
FUND BALANCES										
Nonspendable	137	69	-	-	1,230	-	-	-	-	1,436
Restricted	217	6,165	1,026	1,146	-	612	1,002	-	-	10,168
Committed	35	-	-	-	-	-	-	-	-	35
Assigned	19,771	13,100	-	-	-	3,234	-	-	-	36,105
Unassigned	38,818	-	(1)	-	2	-	-	-	-	38,819
Invested in capital assets, net of related debt	-	-	-	-	-	-	47,327	156,485	-	203,812
Unrestricted	-	-	-	-	-	-	32,492	-	-	32,492
Encumbrances	9,006	519	-	70	-	1	2,027	-	-	11,623
Total fund balances	67,984	19,853	1,026	1,216	1,232	3,848	82,848	156,485	-	334,493

City of Opelika

Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - All Governmental Funds and Account Groups (Interim FYTD July 31, 2020

*Thousands of dollars

	Governmental Funds					
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Total
REVENUES:						
Taxes	\$ 33,918	\$ 8,351	\$ -	\$ -	\$ -	\$ 42,269
Special assessments	-	-	-	-	-	-
Licenses and permits	16,821	309	-	-	-	17,130
Intergovernmental	419	1,302	-	74	-	1,795
Charges for services	1,371	-	-	-	-	1,371
Fines and forfeits	250	-	-	-	-	250
Grants	13	-	-	-	-	13
Contributions	396	12	-	-	-	408
Investment income	470	108	4	4	8	595
Miscellaneous	377	4	-	-	-	381
Total revenues	54,035	10,087	4	78	8	64,213
EXPENDITURES:						
General government	6,039	194	-	1	7	6,241
Public safety	14,088	496	-	-	-	14,584
Public works	4,542	1	-	-	-	4,543
Health	309	-	-	-	-	309
Education	2,760	7,000	-	-	-	9,760
Welfare	97	-	-	-	-	97
Culture and recreation	4,851	-	-	-	-	4,851
Economic development	915	164	-	-	-	1,079
Capital outlay	9,868	77	-	144	-	10,088
Debt service:						
Principal retirement	-	-	5,965	-	-	5,965
Interest and fees	-	-	3,939	-	-	3,940
Total expenditures	43,468	7,932	9,904	145	7	61,457
Excess of revenues over/(under) expenditures	10,567	2,155	(9,901)	(68)	1	2,756
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	49,704	-	-	49,704
Proceeds used to refund bonds	-	-	(45,410)	-	-	(45,410)
Sale of capital assets	18	-	-	-	-	18
Transfers from other funds	2,521	2,994	6,594	59	21	12,189
Transfers to other funds	(8,519)	(2,401)	-	-	(21)	(10,941)
Total other financing sources/(uses)	(5,980)	593	10,887	59	-	5,560
Net change in fund balances	4,587	2,749	987	(9)	2	8,316
Fund balances, beginning of the year	63,398	17,105	37	1,225	1,230	82,996
Fund balances, end of period	\$ 67,984	\$ 19,853	\$ 1,025	\$ 1,216	\$ 1,232	\$ 91,312

Attachment: July 2020 Financial Stmtts (4218 : City's Financial Summary Report for July 2020.)

City of Opelika
Combined Balance Sheet (Interim Report)
Proprietary and Fiduciary Funds
July 31, 2020 Preliminary
**Thousands of dollars*

	Electric FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD
ASSETS					
Current assets:					
Cash	\$ 28,914	\$ 9,464	\$ 2,715	\$ 3,350	\$ 1,291
Certificates of deposit	8,229	-	-	-	-
Receivables and prepaid expenses	4,450	340	277	-	(1)
Due from other funds and governments	8,500	894	-	-	-
Inventory	1,132	-	-	-	-
Total current assets	51,227	10,698	2,991	3,350	1,290
Restricted assets:					
Cash and investments with fiscal agent	1,001	1	-	-	-
Total restricted assets	1,001	1	-	-	-
Net capital assets	43,072	28,677	2,104	-	-
Other assets:					
Deposits	-	3	-	19	-
Total other assets	-	2	-	19	-
Total assets	95,300	39,378	5,095	3,369	1,290
DEFERRED OUTFLOWS OF RESOURCES					
Retirement contributions	1,004	-	374	-	-
Difference on projected OPEB earnings	450	-	169	-	-
Bond refunding costs	2,337	67	-	-	-
Total deferred outflows of resources	3,791	67	542	-	-
Total assets and deferred outflows of resources	99,091	\$ 39,445	\$ 5,638	\$ 3,369	\$ 1,290
LIABILITIES					
Current liabilities:					
Accounts and other payables	\$ 9,827	\$ 13	\$ 38	\$ 49	\$ 271
Due to electric fund	-	-	-	-	-
Due to other funds	-	-	-	-	-
Bonds payable within one year	-	590	-	-	-
Unearned revenue	223	-	-	-	355
Total current liabilities	10,050	603	38	49	626
Noncurrent liabilities:					
Claims and employee benefits due in more than one year	1,119	-	408	136	-
Bonds payable, in more than one year, net	27,090	1,250	-	-	-
Net pension liability	5,484	-	1,885	-	-
Customer deposits held	2,997	-	169	-	-
Total noncurrent liabilities	36,691	1,250	2,463	136	-
Total liabilities	46,741	1,853	2,501	185	626
DEFERRED INFLOWS OF RESOURCES					
Difference on earnings on OPEB investments	21	-	8	-	-
Difference on earnings on plan investments	245	-	96	-	-
Total deferred inflows of resources	266	-	104	-	-
Total liabilities and deferred inflows of resources	47,007	1,853	2,605	185	626
NET POSITION					
Invested in capital assets, net of related debt	18,319	26,904	2,104	-	-
Restricted	1,001	1	-	612	-
Unrestricted	31,352	10,101	901	2,572	663
Encumbrances	1,412	586	28	-	1
Total net position	52,084	37,592	3,033	3,184	664
Total liabilities, deferred inflows, and net position	\$ 99,090	\$ 39,446	\$ 5,638	\$ 3,369	\$ 1,290

Attachment: July 2020 Financial Stmtts (4218 : City's Financial Summary Report for July 2020.)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position (Interim Report)
Proprietary and Fiduciary Funds
FYTD July 31, 2020 Preliminary
**Thousands of dollars*

	Electric 2020 FYTD	Sewer 2020 FYTD	Solid Waste 2020 FYTD	Workmen's Comp. 2020 FYTD	Health Insurance 2020 FYTD
Operating Revenues					
Charges for services	\$ 32,653	\$ 4,304	\$ 3,010	\$ 345	\$ 3,353
Operating Expenses					
Purchases	20,396	-	382	-	-
Depreciation	2,481	910	296	-	-
Personnel services	2,757	-	1,006	-	-
Other	2,020	1,669	540	154	2,659
Total operating expenses	27,655	2,578	2,225	154	2,659
Operating income/(loss)	4,998	1,726	785	191	694
Nonoperating Revenues/(Expenses)					
Gain/(Loss) on sale of capital assets	55	31	(2)	-	-
Fiber optic line leases	8	-	-	-	-
Investment income	516	42	16	21	2
Grant income	-	18	-	-	-
Pole rental	149	-	-	-	-
Miscellaneous revenues	766	-	14	-	-
Interest expense and charges	(961)	(168)	-	-	-
Total nonoperating revenues/(expenses)	534	(77)	28	21	2
Other Revenues and Transfers In/(Out):					
Capital contributions	641	-	-	-	-
Transfers from other funds	-	-	-	-	-
Transfers to other funds	(2,500)	-	-	-	-
Total other revenues/(expenses)	(1,859)	-	-	-	-
Net Income/(loss)	3,672	1,648	812	211	696
Net position, beginning of year	48,411	35,944	2,220	2,972	(32)
Net position before encumbrances	52,084	37,592	3,033	3,184	664
Encumbrances	1,412	586	28	-	-
Net position, end of period	\$ 50,672	\$ 37,006	\$ 3,004	\$ 3,184	\$ 664
Additional Information:					
Cash position at September 30, 2020	\$ 28,914	\$ 9,464	\$ 2,715	\$ 3,350	\$ 1,291
Cash position at September 30, 2019	22,724	6,672	1,915	3,142	654
Change in cash	\$ 6,191	\$ 2,792	\$ 800	\$ 208	\$ 637

Attachment: July 2020 Financial Stmtts (4218 : City's Financial Summary Report for July 2020.)

City of Opelika
General Fund Revenue and Expenditure Summary (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD July 2020 Preliminary
*Thousands of dollars

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
Revenues:						
Taxes	\$ 32,643	\$ 33,918	\$ 1,274	\$ 31,971	\$ 33,918	\$ 1,947
Licenses and permits	16,358	16,821	463	15,111	16,821	1,710
Intergovernmental	447	419	(27)	599	419	(180)
Charges for services	1,777	1,371	(406)	1,675	1,371	(303)
Fines and forfeits	356	250	(105)	362	250	(111)
Grants	31	13	(19)	-	13	13
Contributions	95	396	301	81	396	315
Investment income	544	470	(74)	375	470	95
Miscellaneous	305	377	73	288	377	89
Total revenues	52,555	54,035	1,480	50,461	54,035	3,575
Expenditures:						
General government	5,928	6,039	111	7,312	6,068	(1,244)
Public safety	13,680	14,088	407	15,646	14,088	(1,559)
Public works	4,386	4,542	156	5,692	4,542	(1,150)
Culture and recreation	5,157	4,851	(306)	6,251	4,851	(1,400)
Economic development	1,745	915	(830)	1,388	886	(502)
Health	319	309	(11)	333	309	(24)
Education	3,105	2,760	(345)	2,763	2,760	(3)
Welfare	109	97	(12)	116	97	(19)
Capital outlay	13,604	9,868	(3,737)	27,981	9,868	(18,113)
Debt service	621	-	(621)	582	-	(582)
Total expenditures	48,655	43,468	(5,187)	68,063	43,468	(24,595)
Other financing sources/(uses)						
Sale of capital assets	34	18	(16)	38	18	(20)
Transfers in	2,520	2,521	1	2,880	2,521	(360)
Transfer out	(7,388)	(8,519)	(1,131)	(9,714)	(8,519)	1,195
Total other financing sources/(uses)	(4,834)	(5,980)	(1,146)	(6,796)	(5,980)	815
Net change in fund balance	(934)	4,587	5,521	(24,398)	4,587	28,985
Fund balance, beginning of year	66,652	63,398	(3,254)	66,652	63,398	(3,254)
Fund balance, year to date	\$ 65,718	\$ 67,984	\$ 2,267	\$ 42,254	\$ 67,984	\$ 25,731
Less:						
Nonspendable	120	142	22	-	142	-
Restricted	205	217	13	-	217	-
Committed	20	35	15	-	35	-
Assigned	17,206	19,771	2,566	-	19,771	-
Encumbrances	12,524	9,006	(3,518)	-	9,006	-
	30,074	29,171	(903)	-	29,171	-
Unassigned fund balance	35,643	38,813	3,170	42,254	38,813	25,731
20% budgeted revenues	10,092	10,092		10,092	10,092	
Available unassigned fund balance	\$ 25,551	\$ 28,721		\$ 32,161	\$ 28,721	

Attachment: July 2020 Financial Stmtns (4218 : City's Financial Summary Report for July 2020.)

City of Opelika
General Fund Revenues (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD July 2020 Preliminary
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
Taxes:						
Sales	\$ 27,298	\$ 28,286	\$ 988	\$ 27,250	\$ 28,286	\$ 1,036
Property:						
Property	3,994	4,347	353	3,417	4,347	931
Payments in lieu of taxes	6	18	13	5	18	14
Total property taxes	4,000	4,366	366	3,421	4,366	944
Other						
Gasoline	687	629	(59)	683	629	(55)
Cigarette	51	62	11	51	62	11
Wine and liquor	23	26	3	23	26	3
Rental	584	550	(34)	542	550	8
Total other taxes	1,345	1,266	(79)	1,299	1,266	(33)
Total taxes	32,643	33,918	1,274	31,971	33,918	1,947
Licenses and permits:						
Occupational license	11,261	11,530	269	10,500	11,530	1,030
Business:						
General	2,944	3,010	66	2,500	3,010	510
Lodging	799	631	(168)	771	631	(140)
Franchise fee	375	388	13	429	388	(41)
Miscellaneous	292	387	95	217	387	170
Total business	4,409	4,415	6	3,917	4,415	499
Telecommunications permits and fees	19	2	(17)	18	2	(16)
Permits and inspections	659	860	201	667	860	193
Other	9	14	4	9	14	5
Total licenses and permits	16,358	16,821	463	15,111	16,821	1,710
Intergovernmental:						
Shared county motor vehicle	112	98	(14)	113	98	(15)
Shared state:						
Bank excise tax	-	99	99	166	99	(67)
Business privilege tax	-	-	-	62	-	(62)
Liquor tax profits	122	124	2	121	124	3
State asset forfeiture	1	13	12	14	13	(1)
Total shared state	123	235	113	362	235	(126)
Shared federal asset forfeiture	136	10	(126)	2	10	8
Other	75	76	-	122	76	(46)
Total intergovernmental	447	419	(27)	599	419	(180)
Charges for services:						
General government - other	20	21	1	20	21	1
Public Safety:						
Fire training	3	4	1	3	4	1
City schools	150	150	-	125	150	25
Auburn University	2	4	3	-	4	4
EAMC	128	187	60	133	187	54
Other	10	2	(8)	-	2	2
Health - Graves and monuments	138	127	(11)	126	127	1
Public Works - Paving and plan review f	82	87	5	25	87	62
Culture and Rec - Entry and concession t	1,244	788	(456)	1,242	788	(454)
Total charges for services	1,777	1,371	(406)	1,675	1,371	(303)
Fines and forfeits:						
Municipal Court	314	218	(96)	326	218	(108)
Other	42	33	(9)	36	33	(3)
Total fines and forfeits	356	250	(105)	362	250	(111)
Grant income	31	13	(19)	-	13	13
Contributions: Mobile Clinic	28	67	40	-	67	67
Contributions: Other	67	329	261	81	329	247
Investment income	544	470	(74)	375	470	95
Miscellaneous	305	377	73	288	377	89
Total revenues	52,555	54,035	1,480	50,461	54,035	3,574
Other financing sources						
Operating transfers from Electric fund	2,500	2,500	-	2,500	2,500	-
Other transfers	20	21	1	380	21	(360)
Sale of capital assets	34	18	(16)	38	18	(20)
Total other financing sources	2,554	2,539	(15)	2,918	2,539	(379)
Total revenue and other financing	\$ 55,109	\$ 56,574	\$ 1,465	\$ 53,379	\$ 56,574	\$ 3,195

Attachment: July 2020 Financial Stmtns (4218 : City's Financial Summary Report for July 2020.)

City of Opelika
 General Fund Expenditures (Interim Report)
 Comparison of Actual and Budget to Prior Year
 FYTD July 2020 Preliminary
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
General government:						
Legislative	\$ 294	\$ 305	\$ 12	\$ 403	\$ 305	\$ (98)
Executive	202	207	4	444	207	(237)
Legal	400	383	(18)	496	383	(113)
Administration	383	455	72	659	455	(204)
Accounting	438	440	2	509	440	(69)
Human resources	305	359	54	442	359	(82)
Information technology	1,951	1,901	(50)	2,042	1,901	(141)
Revenue	351	335	(16)	405	335	(70)
Municipal court	322	296	(26)	344	296	(48)
Purchasing	222	247	25	264	247	(17)
Community development	178	176	(2)	218	176	(42)
Planning	357	391	34	504	391	(113)
Other - nondepartmental	523	543	20	581	543	(38)
Total general government	5,928	6,039	111	7,312	6,039	(1,273)
Public safety:						
Police	8,274	8,701	427	9,736	8,701	(1,034)
Probation	118	96	(23)	135	96	(39)
Fire	5,017	4,976	(41)	5,426	4,976	(450)
Other - nondepartmental	271	315	44	350	315	(35)
Total public safety	13,680	14,088	407	15,646	14,088	(1,559)
Public works:						
Streets	1,127	1,138	11	1,173	1,138	(35)
Engineering	529	670	141	962	670	(292)
Administration	417	424	6	453	424	(29)
Cemetery	184	195	11	199	195	(4)
Auto shop	448	451	3	969	451	(517)
Building maintenance	451	476	25	548	476	(72)
Inspection	424	383	(41)	544	383	(161)
Grounds maintenance	804	805	1	844	805	(39)
Total public works	4,386	4,542	156	5,692	4,542	(1,150)
Culture and recreation:						
Parks and recreation	4,289	3,723	(566)	4,959	3,723	(1,236)
Library	776	801	25	1,014	801	(213)
Other - nondepartmental	92	327	235	279	327	48
Total culture and recreation	5,157	4,851	(306)	6,251	4,851	(1,400)
Economic development:						
Development	313	316	3	486	316	(170)
Other - nondepartmental	1,432	600	(833)	902	600	(302)
Total economic development	1,745	915	(830)	1,388	915	(472)
Health:						
Animal control	63	63	-	71	63	(8)
Mobile Clinic	-	-	-	-	-	-
Other	256	245	(11)	262	245	(17)
Total health	319	309	(11)	333	309	(24)
Education	3,105	2,760	(345)	2,763	2,760	(3)
Welfare	109	97	(12)	116	97	(19)
Capital outlay	13,604	9,868	(3,737)	27,981	9,868	(18,113)
Debt service						
Principal retirement	604	-	(604)	567	-	(567)
Interest and charges	17	-	(17)	15	-	(15)
Total debt service	621	-	(621)	582	-	(582)
Total expenditures	48,655	43,468	(5,187)	68,063	43,468	(24,595)
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	2,780	2,914	133	2,833	2,914	80
Transfers to other funds	4,608	5,606	998	6,881	5,606	(1,275)
Total transfers out	7,388	8,519	1,131	9,714	8,519	(1,195)
Total expenditures and other financing uses	\$ 56,044	\$ 51,987	\$ (4,056)	\$ 77,777	\$ 51,987	\$ (25,790)

Attachment: July 2020 Financial Stmtns (4218 : City's Financial Summary Report for July 2020.)

City of Opelika
Capital Outlay (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD July 2020 Preliminary

	FYTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Rev Budg	2020 Actual	Variance
GENERAL FUND						
General Government:						
Legislative	-	-	-	-	-	-
Executive	-	-	-	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	-	21,470	21,470	481,272	21,470	459,802
Human Resources	-	-	-	-	-	-
Information Technology	546,169	839,169	293,000	1,010,438	839,169	171,269
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	100,938	-	(100,938)	100,938	-	100,938
Other	-	-	-	-	-	-
Total general government	\$ 647,107	\$ 860,639	\$ 213,532	\$ 1,592,648	\$ 860,639	\$ 732,009
Public Safety:						
Police	10,504,595	2,908,961	(7,595,634)	3,774,648	2,908,961	865,687
Probation	-	-	-	-	-	-
Fire	32,845	499,100	466,255	1,071,577	499,100	572,477
Total public safety	\$ 10,537,440	\$ 3,408,061	\$ (7,129,379)	\$ 4,846,225	\$ 3,408,061	\$ 1,438,164
Public Works:						
Streets	1,033,394	1,561,853	528,459	4,618,979	1,561,853	3,057,126
Engineering	481,547	2,318,241	1,836,694	7,514,180	2,318,241	5,195,939
Administration	136,714	406,506	269,792	525,430	406,506	118,924
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	\$ 1,651,655	\$ 4,286,600	\$ 2,634,945	\$ 12,658,589	\$ 4,286,600	\$ 8,371,989
Culture and Recreation:						
Parks and Recreation	703,014	820,956	117,942	2,188,997	820,956	1,368,041
Library	14,150	491,271	477,121	11,876,188	491,271	-
Total culture and recreation	\$ 717,164	\$ 1,312,227	\$ 595,063	\$ 14,065,185	\$ 1,312,227	\$ 12,752,958
Economic development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health, Education and Welfare	\$ 51,123	\$ -	\$ (51,123)	\$ -	\$ -	\$ -
Total capital outlay expenditures	\$ 13,604,489	\$ 9,867,527	\$ (3,736,962)	\$ 33,162,647	\$ 9,867,527	\$ 23,295,120
PROPRIETARY FUNDS						
Electric	2,203,749	1,963,741	(240,008)	7,670,547	1,963,741	5,706,806
Telecommunications	37,763	-	(37,763)	0	-	-
Sewer	4,564,932	289,527	(4,275,405)	2,213,315	289,527	1,923,788
Solid Waste	577,447	394,018	(183,429)	475,000	394,018	80,982
Total Proprietary funds	\$ 7,383,891	\$ 2,647,286	\$ (4,736,605)	\$ 10,358,862	\$ 2,647,286	\$ 7,711,576
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	-	9,574	9,574	47,000	9,574	37,426
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	66,000	-	66,000
2011 Road Construction - Streets	528,559	-	(528,559)	-	-	-
2011 Road Construction - Street paving	-	-	-	-	-	-
2011 Road Construction - Other	59,572	-	(59,572)	-	-	-
Capital Improvement funds - Other	19,830	278,289	258,459	93,358	278,289	(184,931)
Industrial Road Grant funds - Other	8,718	182,935	174,217	270,060	182,935	87,125
Industrial Access Road Grant funds - Engineering	1,152,259	25,195	(1,127,064)	42,664	25,195	17,469
Total Other Governmental funds	\$ 1,768,938	\$ 495,993	\$ (1,272,945)	\$ 519,082	\$ 495,993	\$ 23,089
Total	\$ 22,757,318	\$ 13,010,806	\$ (9,746,512)	\$ 44,040,591	\$ 13,010,806	\$ 31,029,785

Attachment: July 2020 Financial Stmtns (4218 : City's Financial Summary Report for July 2020.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: Building Inspection
Category: Building Permit Report.
Prepared By: BJ Lowery
Initiator: Jeff Kappelman
Sponsors:

MAYOR'S REMARKS (ID # 4208)

DOC ID: 4208

July 2020 Monthly Building Report.



CITY OF
OPELIKA
alabama

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

Monthly Permits For July, 2020

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	1	17
Plumbing Upgrades	0	3
Electrical Upgrades	2	4
Mechanical Upgrades	1	3
Reroofs And Roof Repairs	0	2
Mobile Home Services	0	7
Building Additions/Accessory Structures	0	1

Monthly Totals For July 2010-2019

2010	\$15,454,374.00
2011	\$2,746,405.00
2012	\$2,019,998.00
2013	\$9,059,891.00
2014	\$4,340,584.00
2015	\$12,019,990.00
2016	\$13,921,378.00
2017	\$10,392,839.00
2018	\$7,366,371.18
2019	\$26,889,523.59

Total Permits Issued:

1	New Buildings: Commercial	\$302,720.00
1	Commercial Renovations And Repairs	\$75,600.00
4	Signs	\$49,777.41
50	New Single Family Homes	\$12,247,167.20
17	Residential Repairs And Renovations	\$380,591.00
56	New Apartment Units	\$6,923,280.00
	New Duplex Residences	
	Total Building Permits Issued	

Total Permits Issued For July, 2020

\$19,979,135.61

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR


Jeff Kappelman
Chief Building Inspector





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

Fiscal Year To Date Report - 2020

Building Repairs	Commercial	Residential
Buildings Condemned	0	2
Buildings Demolished	1	2
Building Repairs	7	22
Plumbing Upgrades	1	11
Electrical Upgrades	6	13
Mechanical Upgrades	6	13
Reroofs And Roof Repairs	0	7
Mobile Home Services	0	0
Building Additions/Accessory Structures	1	7

Yearly Totals For Oct. 1st - Sept. 30th	
2011	\$45,352,237.00
2012	\$178,221,004.00
2013	\$61,881,917.00
2014	\$79,409,560.00
2015	\$192,080,600.00
2016	\$127,079,852.00
2017	\$166,673,506.00
2018	\$111,654,002.74
2019	\$111,553,698.66

Total Permits Issued:

9	New Buildings: Commercial	\$14,881,810.20
48	Commercial Renovations And Repairs	\$24,454,282.00
24	Signs	\$142,818.41
302	New Single Family Homes	\$77,286,226.89
130	Residential Repairs And Renovations	\$3,699,353.20
61	New Apartment Units	\$7,698,269.00
0	New Duplex Residences	\$0.00
66	Total Building Permits Issued	\$10,149,659.70

640	Permit Total Issued for FY 2020	\$128,162,759.70
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 JEFF KAPPELMAN
 Chief Building Inspector



City of Opelika Building Inspections Department
July 2020 Monthly Building Permit Detailed Report

Issue Date	Main Address	Company	Work Class	Valuation
7/6/2020	3311 OAK BOWERY RD	HOLLAND HOMES LLC	Detached Garage	\$ 54,178.00
7/8/2020	2936 LAKEVIEW TER	MATHEWS DEVELOPMENT CO LLC	New Single Family Detached	\$ 446,940.00
7/9/2020	1700 CENTURY BLVD 2305	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2112	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1102	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1203	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2308	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2307	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2206	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1207	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1107	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1204	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1210	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2201	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2107	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2312	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2109	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2102	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2202	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1205	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2110	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1108	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2105	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2111	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1101	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 3000	OLYMPIA CONSTRUCTION INC	New	\$ 302,720.00
7/9/2020	1700 CENTURY BLVD 1208	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00

7/9/2020	1700 CENTURY BLVD 2311	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2108	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2209	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2301	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2204	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2210	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1209	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2208	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2309	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2106	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1104	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2303	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2103	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2304	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2203	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2306	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1109	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1110	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2101	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2207	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2211	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1106	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1105	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1103	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2212	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1201	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2205	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1202	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2302	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2104	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 2310	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00
7/9/2020	1700 CENTURY BLVD 1206	OLYMPIA CONSTRUCTION INC	Five Plus Family Home	\$ 123,630.00

7/10/2020	606 CROSSLEY AVE	DAVID MYERS CONSTRUCTION INC	Alteration	\$ 26,000.00
7/10/2020	707 HERNDON ST	Marcus Fuller	Addition	\$ 22,500.00
7/10/2020	1013 3RD AVE	J MANIFOLD CONSTRUCTION	Alteration	\$ 21,873.00
7/14/2020	2590 PEPPERELL PKWY	EFFECTIVE SIGNS LLC	Signs	\$ 3,400.00
7/15/2020	1008 GWYNNE'S WAY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 226,776.00
7/15/2020	2704 JACKSON ST	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 176,341.00
7/15/2020	1002 GWYNNE'S WAY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 248,166.00
7/15/2020	2706 JACKSON ST	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 180,240.00
7/15/2020	914 GWYNNE'S WAY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 240,032.00
7/15/2020	2609 BRITTANY LN	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 298,571.00
7/15/2020	2605 BRITTANY LN	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 162,276.00
7/15/2020	705 E TOWNE LAKE CIR	SOUTHEAST POOL BUILDERS	Swimming Pool	\$ 28,000.00
7/15/2020	2811 JACKSON ST	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 226,776.00
7/15/2020	702 GWYNNE'S WAY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 180,240.00
7/15/2020	916 GWYNNE'S WAY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 176,341.00
7/15/2020	2708 HUNTER ALLY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 221,150.00
7/15/2020	704 GWYNNE'S WAY	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 221,150.00
7/15/2020	404 S 10TH ST	J MARSH ENTERPRISES INC	Alteration	\$ 75,600.00
7/16/2020	2732 ARLEE AVE	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 221,150.00
7/16/2020	2744 ARLEE AVE	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 221,379.00
7/16/2020	2758 ARLEE AVE	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 272,816.00
7/16/2020	2720 ARLEE AVE	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 248,602.00
7/16/2020	1897 PALIN AVE	DAVID MYERS CONSTRUCTION INC	Addition	\$ 1,700.00
7/16/2020	2906 ANDERSON LAKES CT	RAMSEY & SONS	Decks	\$ 5,000.00
7/16/2020	3207 TURKEY SPUR LN	HOLLAND HOMES LLC	Alteration	\$ 35,718.00
7/16/2020	203 LANCELOT LN	BACKYARD EXPERIENCE, THE	Swimming Pool	\$ 50,000.00
7/16/2020	2607 BRITTANY LN	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 218,382.00
7/17/2020	105 MORRIS AVE	WILLIS HOME BUILDERS & CONSTRUCT	New Single Family Detached	\$ 120,000.00
7/20/2020	571 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 187,976.00
7/20/2020	810 MORNING GLORY DR	STONE MARTIN BUILDERS	New Single Family Detached	\$ 253,689.00
7/20/2020	595 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 244,786.00
7/20/2020	525 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 228,578.00

7/20/2020	592 HIGH DR	STONE MARTIN BUILDERS	New Single Family Detached	\$ 306,656.00
7/20/2020	2010 CANNON GATE DR	STONE MARTIN BUILDERS	New Single Family Detached	\$ 280,233.00
7/20/2020	812 ASTER LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 212,640.00
7/20/2020	806 ASTER LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 228,486.00
7/20/2020	544 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 187,976.00
7/20/2020	2285 LAKEVIEW DR	HOLLAND HOMES LLC	Signs	\$ 11,447.41
7/22/2020	1711 2ND AVE	Owner	Alteration	\$ 25,000.00
7/23/2020	2974 SPRING LAKES XING	MATHEWS DEVELOPMENT CO LLC	New Single Family Detached	\$ 250,698.00
7/23/2020	2916 LAKEVIEW TER	MATHEWS DEVELOPMENT CO LLC	New Single Family Detached	\$ 218,962.00
7/24/2020	555 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 135,835.00
7/24/2020	712 BUSH CREEK DR	STONE MARTIN BUILDERS	New Single Family Detached	\$ 186,692.00
7/24/2020	411 N 11TH ST	SOUTHEASTERN DISASTER RELIEF SVC	Roofs	\$ 33,500.00
7/24/2020	3794 PEPPERELL PKWY B	MIDSTATE SIGNS, LLC	Signs	\$ 1,200.00
7/24/2020	2800 PEPPERELL PKWY	MIDSTATE SIGNS, LLC	Signs	\$ 33,730.00
7/24/2020	2009 NIGHTSONG LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 280,233.00
7/24/2020	1308 CRAWFORD RD	CLEARWATER HOMES LLC	New Single Family Detached	\$ 184,719.20
7/27/2020	1039 SKI SPRAY PT	HOOPER HOMES LLC	New Single Family Detached	\$ 357,000.00
7/27/2020	3150 OAK BOWERY RD	Richard Compton	New Single Family Detached	\$ 440,000.00
7/27/2020	3638 NATIONAL VILLAGE LOO	CONNER BROTHERS CONSTRUCTION	New Single Family Detached	\$ 274,734.00
7/28/2020	1706 ROCKY BROOK RD	Heath Hoffman	Detached Garage	\$ 13,500.00
7/28/2020	2606 BRITTANY LN	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 244,504.00
7/28/2020	314 ALLBRITE RD	A&E HOLDINGS LLC	Alteration	\$ 8,059.00
7/28/2020	2608 BRITTANY LN	BUILDERS PROFESSIONAL GRP LLC	New Single Family Detached	\$ 196,264.00
7/28/2020	712 GROCE ST	A&E HOLDINGS LLC	Alteration	\$ 5,413.00
7/29/2020	1127 WILLOW VIEW DR	MATHEWS DEVELOPMENT CO LLC	New Single Family Detached	\$ 250,698.00
7/29/2020	1108 WILLOW VIEW DR	MATHEWS DEVELOPMENT CO LLC	New Single Family Detached	\$ 250,698.00
7/29/2020	400 N 7TH ST A	SUPERIOR ROOFING CO	Roofs	\$ 7,500.00
7/29/2020	300 N 12TH ST	Rebecca Rice	Accessory Buildings	\$ 4,000.00
7/29/2020	541 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 301,740.00
7/30/2020	811 LILY CT	STONE MARTIN BUILDERS	New Single Family Detached	\$ 301,740.00
7/30/2020	1945 NIGHTSONG LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 259,821.00
7/30/2020	1970 NIGHTSONG LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 306,656.00

7/30/2020	2041 NIGHTSONG LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 335,949.00
7/30/2020	533 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 259,821.00
7/30/2020	1992 NIGHTSONG LN	STONE MARTIN BUILDERS	New Single Family Detached	\$ 334,149.00
7/30/2020	807 LILLY CT	STONE MARTIN BUILDERS	New Single Family Detached	\$ 259,821.00
7/31/2020	3701 ANDERSON RD	John Edgar	Carport	\$ 38,650.00
7/31/2020	2731 MILL LAKES RDG	CLAYTON PROPERTIES GROUP INC	New Single Family Detached	\$ 178,085.00
				\$ 19,979,135.61


 Jeff Kappelman, Chief Building Inspector



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4205)

Meeting: 08/18/20 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:
DOC ID: 4205

Request by Main Street for annual On the Tracks event on 8-9-20.



August 11, 2020

Dear Russell,

Opelika Main Street is requesting that the council approve a street closure on October 9, 2020 for the annual On the Tracks wine event.

We ask that South Railroad Avenue between **S. 8th Street and S. 9th Street be blocked off from 4:00PM-Midnight.**

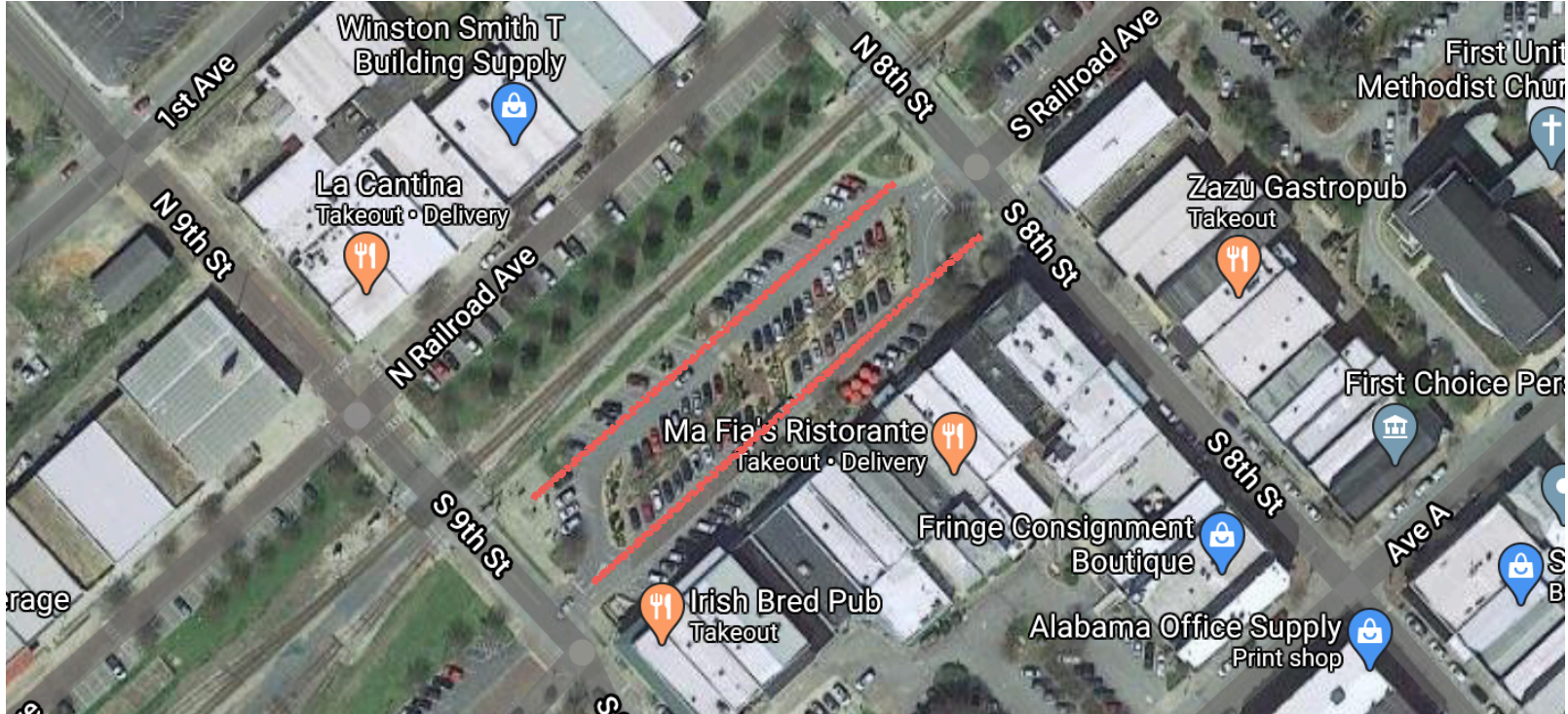
The event will be held from 6PM-10PM.

The format will be different this year in that all activities will be held outside instead of in the individual stores. This is to maintain social distancing.

Thank you for your consideration,

Ken Ward
Executive Director Opelika Main Street

Attachment: OTT 2020 Street Closure (4205 : Request by Main Street for annual On the Tracks event on 8-9-20.)





City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4210)

Meeting: 08/18/20 07:00 PM

Department: Planning

Category: Amend Zoning Ordinance

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 4210

Public Hearing - Amend Zoning Ordinance Section 2.2, 7.3; Add Section 8.28, 8.28.1.

CITY OF OPELIKA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, August 18, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Blvd., 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 AMENDING THE ZONING
ORDINANCE OF THE CITY OF OPELIKA BY AMENDING SECTION 2.2
“DEFENITIONS” TO ADD DEFINITIONS FOR “CONSUMER SHOPPING GOODS”,
“GROVERY STORE”, AND “SMALL BOX DISCOUNT STORE” AND; TO AMEND
SECTION 7.3C “USE CATEGORIES” TO PROVIDE FOR ZONING DISTRICTS WHERE
“CONSUMER SHOPPING GOODS”, “GROCERY STORES”, AND “SMALL BOX
DISCOUNT STORES” ARE ALLOWED OR ALLOWED BY CONDITIONAL USE PERMIT;
TO ADD SUBSECTION 8.28.1 “SMALL BOX DISCOUNT STORE” TO PROVIDE
DEVELOPMENT STANDARDS FOR SMALL BOX DISCOUNT STORES, PROVIDING A
SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING FOR
PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Opelika (the “City”) currently has nine small box discount stores; and

WHEREAS, Small box discount stores typically offer mostly inexpensive, energy-dense,

low-nutritive foods and beverages rather than fresh, nutritious foods, and;

WHEREAS, Opelika residents face increasing threats to sufficient access to fresh and nutritious food, and residents typically have more access to small box discount stores and convenience stores than to nutritious food; and

WHEREAS, the City Council desires to promote access to healthy food options in underserved neighborhoods by regulating small box discount stores; and

WHEREAS, a good mix of food retail has the potential to revitalize neighborhoods and improve access to a healthy diet, particularly for populations in underserved areas;

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

Section 1. **Adoption of recitals:** That the foregoing recitals and findings in the preambles and each of them, are hereby adopted and are hereby incorporated by reference as if set forth in full.

Section 2. **Amendment of Section 2.2 of the Zoning Ordinance:** That section 2.2 “DEFINITIONS” of Ordinance Number 124-91 (entitled “Zoning Ordinance of the City of Opelika”) adopted on September 17, 1991, as amended (hereinafter referred to as “Zoning Ordinance” or “Zoning Code”) is further amended to add the following definitions of “Consumer Shopping Goods”, “Grocery Store” and “Small Box Discount Store” :

Section 2.2 Definitions

Consumer Shopping Goods: Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, record stores, toy stores, sporting goods stores, video stores, musical instrument stores, , office supplies and office

furnishing stores and wig shops. Does not include small box discount stores or grocery stores

Grocery Store: A retail store where a minimum of 50 percent of the floor area or more than 25,000 square feet of floor area is devoted to food items including, but not limited to, fresh produce, fresh meats, fresh dairy products and prepackaged foods. A principal use grocery store may include an accessory use pharmacy, restaurant or dining area for on-premise consumption of food and beverage items.

Small Box Discount Store: Retail sales uses with floor area less than 14,000 square feet that offer for sale a combination and wide variety of small and inexpensive convenience shopping goods and consumer shopping goods. Small box discount stores do not include retail stores that:

- (1) dedicate at least 15% of shelf space to fresh or fresh frozen food;
- (2) dedicate less than 2% of shelf space to food of any kind;
- (3) contain a prescription pharmacy, or
- (4) offer for sale gasoline or diesel fuel

Section 3. **Amendment of Section 7.3C of the Zoning Ordinance.** That section 7.3C

“Use Categories” of the Zoning Ordinance is hereby further amended to provide for “Consumer

Shopping Goods”, “Grocery Stores” and “Small Box Discount Stores” in the matrix table and the

pertinent portion of the table be and the same is hereby amended to read as follows:

USES	DISTRICTS															
COMMERCIAL	R-1	R-1A	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Consumer Shopping Goods	N	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
Grocery Store	N	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
Small Box Discount Store	N	N	N	N	N	N	N	N	C	C	C	C	N	N	C	C

Section 4. **Amendment to Section VIII of Zoning Ordinance.** That Section VIII,

“GENERAL REGULATIONS”, of the Zoning Ordinance is hereby amended by adding a new

subsection to be numbered 8.28.1, which said subsection shall read as follows:

“Section 8.28.1 **Small Box Discount Stores**

A. Purpose and Intent

The purpose and intent of this section is to regulate the continued growth and development of small box discount stores, promotes greater diversity of retail options and convenient access to fresh fruits, vegetables, meat and dairy foods. The number of small box discount stores have increased over the last decade. Many of these stores are in close proximity to each other. While it is recognized that small box discount stores may be the only convenient source of some food items for people in areas underserved by traditional grocery stores, it is also recognized that small box variety stores offer limited healthy fresh food options, especially when it comes to fresh fruits and vegetables and fresh or frozen meats. A good mix of food retail has the potential to revitalize neighborhoods and commercial centers and improve access to a healthy diet, particularly for populations in underserved areas.

Most of these stores are located in areas classified by the United States Department of Agriculture as food deserts. The City of Opelika desires to continue to allow the presence of small box discount stores, but it is also necessary to regulate them and to encourage stores to offer more healthy fresh food options. **These** regulations will promote the efficient use of land and resources in the City of Opelika, AL, and are necessary to protect the health, safety, and welfare of the citizens of Opelika. The City of Opelika will accomplish this by assessing the food retail environment based upon an evaluation of the subject retail landscape at the time of a zoning application

B. Use Standards and Dispersal Requirements

- 1) Small box discount stores are prohibited unless the proposed use is located more than 5,280 feet from another small box discount store, within or outside the City of Opelika corporate boundaries. The separation distances shall be measured in a straight line from property line of the small box variety store to the property line of the other use.
- 2) Small box discount stores are prohibited unless the proposed use is located more than 200 feet from any property used primarily for a single-family residence. The separation distances shall be measured in a straight line from property line of the small box discount store to the property line of the residential use.
- 3) Incidental outdoor display is prohibited at all small box discount stores.
- 4) All refuse, recycling or other waste shall be located behind the front plane of building and shall be completely screened from view by a solid opaque fence or structure. This requirement shall apply to both the front and side of building located adjacent to a street.
- 5) If located at least 5,280 feet from another Small box discount store, this use is permitted by conditional use permit ("CUP") only. In addition to the criteria for a CUP set forth in Section 8.17, when reviewing a request for CUP for a small box discount store use, the Planning Commission shall consider:
 - a. Whether the proposed small box discount store will likely have a detrimental impact

- on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
- b. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.
 - c. Whether the proposed use is within a food desert, as defined by the United States Department of Agriculture at the time of application.
- 6) A CUP approved under this section must stipulate that a minimum of 15 percent of the floor area of the Small box discount store must be dedicated to fresh produce, meat and dairy products.
 - 7) A nonconforming small box discount store in existence prior to approval of this amendment, may relocate on the same parcel or within the same shopping center that it currently exists without obtaining a CUP provided the nonconforming small box discount store has not been terminated as provided in Section 8-20, Non-conforming Uses and Non-conforming Structures of the zoning ordinance and the use complies with all other applicable regulations.

Section 5. **Severability.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in or of itself invalid or unconstitutional.

Section 6. **Repeal of Conflicting Ordinances.** Any ordinance or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 7. **Effective Date.** This ordinance shall take effect and be enforced immediately upon its adoption and publication as required by law.

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

Section 9. **Codification.** Codification of this Ordinance in the Zoning Ordinance of the City of Opelika, Alabama, is hereby authorized and directed.

END.

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

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, Alabama 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 compliance officer, at (334) 705-2083 at least two (2) working days prior to the meeting if you require special accommodations due to a disability.

THIS NOTICE is given under my hand, this the ____ day of July, 2020.

CITY CLERK OF THE CITY OPELIKA, ALABAMA

TO: Publisher

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the July _____, 2020 issue of your paper.

City of Clerk

The purpose of these amendments is to regulate the continued growth and development of small box discount stores and promote a greater diversity of retail options and convenient access to fresh fruits, vegetables, meat and dairy foods. The amendments allow small box discount stores and encourages these stores to offer more healthy fresh food options, but the stores are regulated concerning density. These amendments are necessary to protect the health, safety, and welfare of the citizens of Opelika and promote the efficient use of land and resources in the City. The text amendments concern adding three definitions to Section 2.2 "Consumer Shopping Goods", "Small Box Discount Stores" and "Grocery Store"; amending Section 7.3 "Use Categories"; and adding to Section 8.28 Standards for Specific Land Uses and Section 8.28.1 Small Box Discount Store. The changes for each section are provided in the Planning Commission report attached. At the June 23rd meeting the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve the text amendments.

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: June 23, 2020

Agenda Item #: G-13

Action Requested: Text Amendment –
 Amend Section 2.2 Definitions add Consumer Shopping Goods,
 Small Box Discount Stores, Grocery Store
 Amend Section 7.3 Use Categories
 Add Section 8.28 Standards for Specific Land Uses
 Add Section 8.28.1 Small Box Discount Store

Amendments:

Section 2.2 Definitions

Consumer Shopping Goods Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, record stores, toy stores, sporting goods stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops. Does not include small box discount stores or grocery stores.

Small Box Discount Store Retail sales uses with floor area less than 14,000 square feet that offer for sale a combination and wide variety of small and inexpensive convenience shopping goods and consumer shopping goods. Small box discount stores do not include retail stores that:

- (1) dedicate at least 15% of shelf space to fresh or fresh frozen food;
- (2) dedicate less than 2% of shelf space to food of any kind;
- (3) contain a prescription pharmacy, or
- (4) offer for sale gasoline or diesel fuel

Grocery Store A retail store where a minimum of 50 percent of the floor area or more than 25,000 square feet of floor area is devoted to food items including, but not limited to, fresh produce, fresh meats, fresh dairy products and prepackaged foods. A principal use grocery store may include an accessory use pharmacy, restaurant or dining area for on-premise consumption of food and beverage items.

Section 7.3.C

USES	DISTRICTS															
	R-1	R-1A	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC
COMMERCIAL																
Consumer Shopping Goods	N	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
Grocery Store	N	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
Small Box Discount Store¹	N	N	N	N	N	N	N	N	C	C	C	C	N	N	C	C

1. See Section 8.28.1 for specific standards for small box discount stores.

Section 8.28 ‘Standards for Specific Land Uses’

Section 8.28.1 ‘Small Box Discount Store’

A. Purpose and Intent

The purpose and intent of this section is to regulate the continued growth and development of small box discount stores, promotes greater diversity of retail options and convenient access to fresh fruits, vegetables, meat and dairy foods. The number of small box discount stores have increased over the last decade. Many of these stores are in close proximity to each other. While it is recognized that small box discount stores may be the only convenient source of some food items for people in areas underserved by traditional grocery stores, it is also recognized that small box discount stores offer limited healthy fresh food options, especially when it comes to fresh fruits and vegetables and fresh or frozen meats. A good mix of food retail has the potential to revitalize neighborhoods and commercial centers and improve access to a healthy diet, particularly for populations in underserved areas.

Most of these stores are located in areas classified by the United States Department of Agriculture as food deserts. The City of Opelika desires to continue to allow the presence of small box discount stores, but it is also necessary to regulate them and to encourage stores to offer more healthy fresh food options. These regulations will promote the efficient use of land and resources in the City of Opelika, AL, and are necessary to protect the health, safety, and welfare of the citizens of Opelika. The City of Opelika will accomplish this by assessing the food retail environment based upon an evaluation of the subject retail landscape at the time of a zoning application

B. Use Standards and Dispersal Requirements

- 1) Small box discount stores are prohibited unless the proposed use is located more than 5,280 feet from another small box discount store, within or outside the City of Opelika corporate boundaries. The separation distances shall be measured in a straight line from property line of the proposed small box discount store to the property line of the existing small box discount store.
- 2) Small box discount stores are prohibited unless the proposed use is located more than 200 feet of any property used primarily for a single-family residence. The separation distances shall be measured in a straight line from property line of the small box discount store to the property line of the residential use.
- 3) Incidental outdoor display is prohibited at all small box discount stores.

- 4) All refuse, recycling or other waste shall be located behind the front plane of building and shall be completely screened from view by a solid opaque fence or structure. This requirement shall apply to both the front and side of building located adjacent to a street.
- 5) If located at least 5,280 feet from another small box discount store, this use is permitted by conditional use permit (“CUP”) only. In addition to the criteria for a CUP set forth in Section 8.17, when reviewing a request for CUP for a small box discount store use, the Planning Commission shall consider:
 - a. Whether the proposed small box discount store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
 - b. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.
 - c. Whether the proposed use is within a food desert, as defined by the United States Department of Agriculture at the time of application.
- 5) A CUP approved under this section must stipulate that a minimum of 15 percent of shelf space of the small box discount store must be dedicated to fresh produce, meat and dairy products.
- 6) A nonconforming small box discount store in existence prior to approval of this amendment, may relocate on the same parcel or within the same shopping center that it currently exists without obtaining a CUP provided the nonconforming small box discount store has not been terminated as provided in Section 8-20, Non-conforming Uses and Non-conforming Structures of the zoning ordinance and the use complies with all other applicable regulations.

Staff Comments – There has been an increase in the number of small box discount stores both locally and nationwide over the last decade. These stores often sell a wide variety of goods and services at low prices. Often these businesses are less than 10,000 square feet. In many places these stores provide daily needs for the rural or remote populations. In many cases, while providing common goods, these uses have very limited supply of fresh fruits, vegetables, or meats. These uses also tend to locate in low income areas. These areas that combine both low income populations and lack of access to a full service grocery store are classified by the USDA as food deserts. Studies and reviews have found that these stores can harm the operations of full service grocery stores or saturate the market preventing new grocers from opening in these areas.

These ordinance changes are intended to ensure that the density of these stores does not oversaturate the market. There are currently nine (9) stores that meet this classification within the City of Opelika. One of these brands has stated that they plan to open 1,000 new stores in the U.S during 2020. It is likely that as the population grows, the city will continue to see new requests for this use. This ordinance will help locate these stores where they are needed and when they are approved, they carry fresh and healthy food options.

Recommendation: A positive recommendation to City Council for the text amendment

Engineer's Report, OPELIKA UTILITIES, Opelika Power Services**No Report**

At the June 23rd meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve text amendments to Section 2.2 Definitions, Section 7.3 Use Categories and add Section 8.28 Standards for Specific Land Uses and Section 8.28.1 Small Box Discount Store.

[illegible]



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4217)

Meeting: 08/18/20 07:00 PM

Department: Planning

Category: Zoning

Prepared By: Charles Mosley

Initiator: Charles Mosley

Sponsors:

DOC ID: 4217

Public Hearing - Rezoning, 21.9 Acres, 3001 Hi Pack Drive.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, August 18, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King, Blvd., Opelika, Lee County, Alabama.

PURPOSE

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

ORDINANCE NO. _____

ORDINANCE TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA (The Villages of Opelika 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) QOZB1, LLC heretofore submitted to the City a Development Plan for a planned unit development ("PUD") entitled "Villages of Opelika PUD" consisting of approximately 21.92 acres.
- (b) The proposed development is located in a R-5 District (High Density Residential District) and is located at 3001 Hi Pack Drive between Hi Pack Drive and King Street.

(c) The development Plan provides for 94 single family homes, 34 twin homes/town homes, and 20 small bungalows. The overall density for the development is 6.75 units per acre. An amenity area will include a dog park, recreational facilities, and approximately 3.2 acres of open space.

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

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

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

Section 3. DESIGNATION OF PLANNED UNIT DEVELOPMENT. The Official Zoning Map of the City is hereby amended and the zoning classification for the following parcel of land shall be changed from a R-5 District (High Density Residential District) to a Planned Unit Development (“PUD”) on the Official Zoning Map:

Parcel - B and Parcel - C, HIPACK PARK, according to and as shown by that certain map or plat thereof of record in Town Plat Book 10, at Page 134, in the Office of the Judge of Probate of Lee County, Alabama.

The above described property containing 21.92 acres is located at 3001 Hi-Pack Drive between Hi Park Drive and King Street.

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

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

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

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

END.

The City Council reserves the right to amend or alter any of the proposed amendments to

the zoning ordinance.

All interested parties are invited to attend the public hearing and be heard. 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, Alabama 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 compliance officer, 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 _____, 2020.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the July ____, 2020 issue of your paper.

CITY CLERK

The applicant is requesting rezoning 21.9 acres from R-5 (residential) to a PUD (Planned Unit Development) zoning district. Street access is from Hi Pack Drive (north) and Hammonds Street (south). A total of 148 residential units are proposed using three types of housing: 94 single family homes, 34 twin homes/townhomes, and 20 small bungalows; density is 6.75 units per acre. Amenities include a swimming pool, a tower, and 3.2 acres of open space. Smaller lots are requested: 1,100 sf for townhomes, and 2,000 to 2,800 sf for single family homes. Staff recommendations approved by Planning Commission: sidewalks on both side of all streets, street tree landscaping, residential landscape buffers, one large tree in front yard each home, utilities underground, homes constructed must match architectural style as provided, no vinyl/metal siding. At the June 23rd meeting, the Planning Commission (PC) voted 6-0 (one abstention) to send a positive recommendation to CC to rezone the property. A PC report, map, PUD narrative, and home renderings are attached.

City of Opelika

Planning Commission Report

Action Requested: Rezoning 21.92 acres from R-5 to PUD

Location of Property: 3001 Hi-Pack Drive

Property Owner: Hi Pack QOZB I, LLC
Jacob Hill

Current Zoning: R-5

Proposed Zoning: PUD (Planned Unit Development)

Existing Land Use: Undeveloped

**Surrounding Zoning Districts
And Land Uses:**

North	M-1 & C-3	Hi-Pack and vacant
South	R-5	Single-family
East	R-4	Single-family and vacant
West	R-5	Airview Baptist Church

Rezoning:

The applicant is requesting rezoning 21.9 acres from a R-5 (high density residential) zoning district to a planned unit development (PUD) zoning district. The overall development is proposing 148 residential units. This includes 94 single family homes, 34 twin homes/townhomes, and 20 small bungalows. Overall, the development will have a density of 6.75 units per acre. The applicant has stated that this development would be intended to try to mimic the Pepperell Mill Village with smaller homes and smaller lots.

The development has an amenity space located across from Hammonds Drive. The provided rendering shows this area having a pool and tower, although this is not reflected in the site plan. There is also a large section on the eastern and northern properties that have large easements that could potentially be used for open space. There is also a common area behind the homes in one of the interior blocks. Overall, there is 3.2 acres of open space or approximately 15 percent of the overall development.

This development mixes three different housing types throughout the development. This is becoming somewhat more common in newer developments. The single-family homes (A units) and twin home/duplex units (B units) would be located on individual lots for sale. The bungalows (C units) would be divided through a condominium plat. The residential areas have requested some standards to allow smaller lots than otherwise allowed by the

zoning ordinance. The twin home lots are technically townhomes under our ordinance. The applicant is requesting lot sizes of 1,100 square feet. The current standard for townhouses is 1,800 square feet. The single-family homes are requesting lot widths of 35 feet and lot sizes of 2,000 – 2,800 square feet. This would also include 15 feet front setbacks, as low as 10-foot rear setbacks and 0-5 feet side setbacks. The standard for R-5 are 60-foot-wide lots with 7,500 square feet. The setbacks are 25 feet front setbacks, 20-foot rear setbacks and 10 foot side setbacks. In some other Planned Unit Developments, the lot sizes have been reduced lower. A few have 5,000 square foot minimum lots with 5-7-foot side setbacks. The Holland project on Fox Run Parkway was granted 40-foot-wide lots and 4,200 square foot minimum lot sizes. These proposed units would be the smallest approved in the City of Opelika. Staff does not feel the zero setback on the interior lots is appropriate or will serve the city well in later maintenance. Staff is recommending the minimum side yard setback on a street be at least six (6) feet.

The plan does not currently show any landscaping, buffers or sidewalks. These are key components of developments that are denser. Staff is recommending sidewalks be placed on both sides of each public street where they adjoin a residence or amenity. Staff also believes that landscaping is extremely important. Street trees would help define the edges of the road but may conflict with utilities. Staff is recommending that there be at least one large/canopy tree placed either in the right-of-way between the street and sidewalk with approval by city departments. If this cannot be done, a similar tree should be placed in the front and side yards on street for each unit. The bungalows will be required to meet the overall landscaping ordinance requirements.

PUDs do have buffer requirements. The applicant has stated that a 35-foot buffer would be planned along the southern border next to the Powledge neighborhood and a 25-foot buffer would be placed on the other property lines. Staff recommends that the buffers on the north and south meet the residential buffers in 10.6.D1. The northern property line abuts the manufacturing area and buffering would be necessary to protect the residents from this more intense use. Conversely, on the south property line, a strong buffer would be provided to ensure buffering for the less neighborhood on the south.

The property does show a connection to Hammonds Drive and the extension of Hi-Pack Drive. The connection to Hi-Pack Drive will need to coordinate with the City Engineer. Utilities are adjacent to this property. All utilities should be installed underground.

Overall, the development meets the density of the R-5 zoning district. The applicant could ask for conditional use approval of just townhomes or multi-family and exceed the proposed unit count significantly with Planning Commission approval. The applicant could also

subdivide the property into duplex lots by right and might get close to the same number of units and density. This configuration is preferred to that option, but it should again be pointed out that the lot sizes proposed are drastically smaller than what has previously been allowed.

Staff Recommendation:

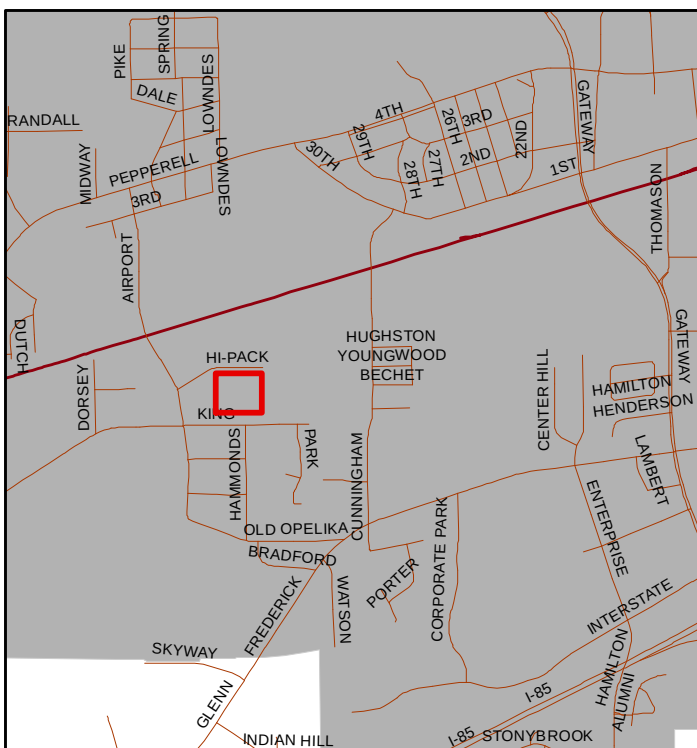
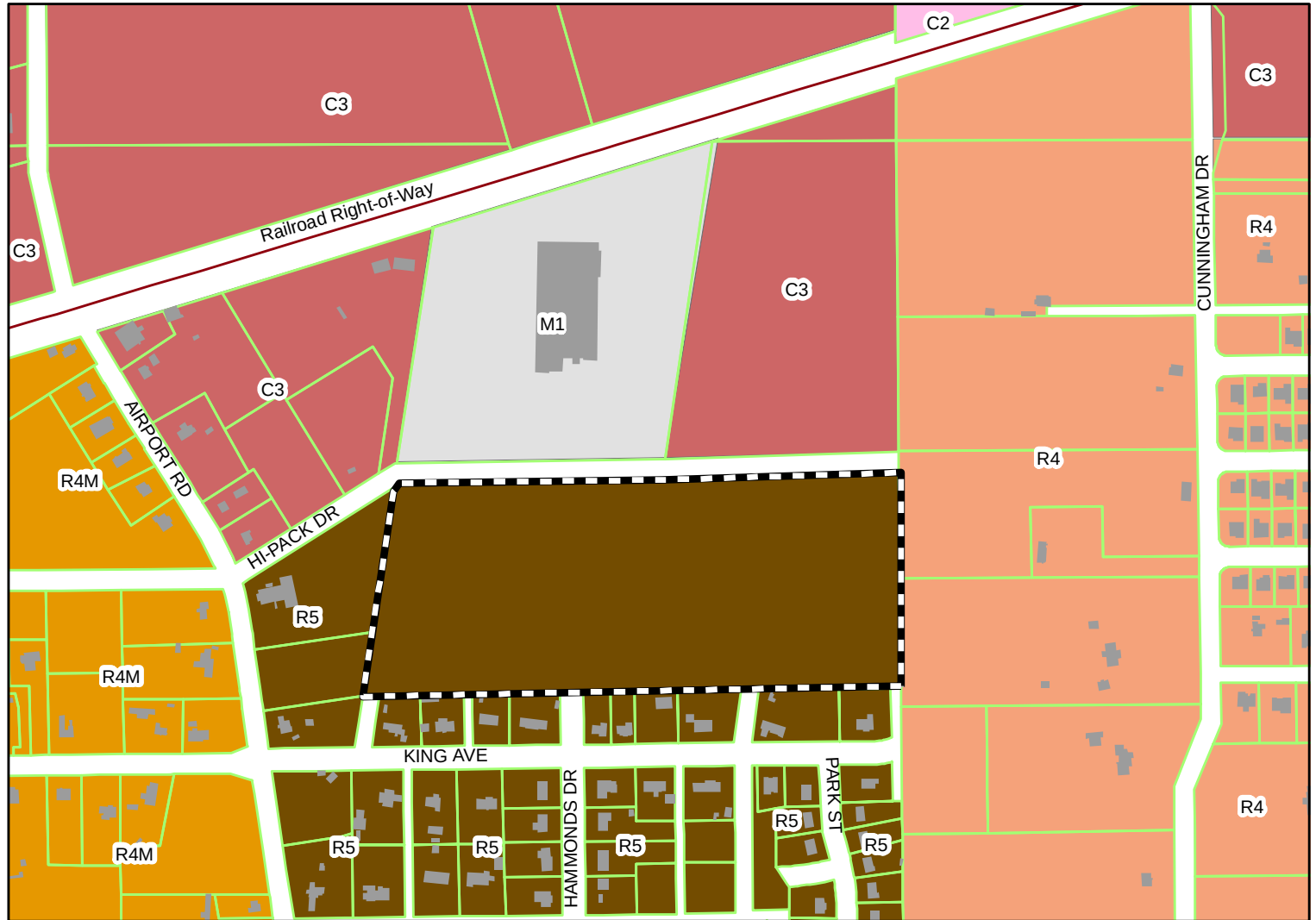
While staff notes that the density and unit types are in compliance with the existing zoning (R-5), staff believes a discussion with the Planning Commission is required concerning the proposed lot sizes, widths and setbacks. If the Planning Commission does make a positive recommendation to the City Council to rezone the property from R-5 to PUD, it should be subject to the following:

1. Provide sidewalks on both sides of each street adjoining an amenity or residence.
2. All utilities shall be underground.
3. Connections to Hi-Pack Drive shall be coordinated with the City Engineer.
4. Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.
5. One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way.
6. The bungalow/condo section will be required to meet the landscaping ordinance standards.
7. No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.
8. Open space shall be clearly marked and the use and maintenance shall be noted.
9. The buildings will match the architectural style and character of the provided renderings.
10. No vinyl or metal siding shall be used.
11. All parking adjacent to the street shall be the responsibility of the developer or homeowners association.

At the June 23rd meeting, the Planning Commission voted to send a positive recommendation to the City council to rezone 21.9 acres from R-5 to a PUD (Planned Unit Development) zoning district. This recommendation includes the Commissioner's approval of Staff Recommendations provided in this report.

HI-PACK REZONING 3001 HI-PACK DRIVE R-5 TO PUD, E-11a & 11b

11.3.a



The applicant is requesting rezoning 21.9 acres to a PUD. The PUD consist of single family homes, duplexes. and bungalows (one-story, cottage style, single family home) and an amenity area.



Subject Property

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

3000 Hi Pack Drive, Opelika, AL

PUD Application

Prepared For:
The City of Opelika

Tax Parcel ID: 43 09 05 22 1 000 001.001

June 2, 2020

Hi Pack QOZB I, LLC
923 Endicott Street
Chattanooga, TN 37405
(256)-996-5586

Attachment: Villages of Opelika PUD narrative and report (4217 : Public Hearing - Rezoning, 21.9 Acres, 3001 Hi Pack Drive.)

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PROJECT DESCRIPTION

The development of +/- 21.94 acres situated between Hi Pack Drive and King Street identified as tax parcel ID 43 09 05 22 1 000 001.001 (the "Property") as a Planned Unit Development ("PUD"). The Property, located in an Opportunity Zone, is expected to include approximately 94 single-family homes, 20 single-family "bungalows", and 24 townhome units with significant green space and amenities to be developed by Hi Pack QOZB I, LLC (or an affiliate or successor thereto) (the "Project"). The intent of the Project is to offer quality, modern housing conveniently located to all that Opelika and Lee County has to offer and be consistent with the goals, objectives, and intent promulgated by the City of Opelika's Comprehensive Plan. Amenities such as a dog park, recreational facilities, open space, and possibly others, will be included to support a sense of community and high quality of life for the residents.

ZONING

The Property is currently zoned R-5 permitting up to 16 units per acre. The adjoining properties immediately to South are zoned R-5 as well. Properties adjoining to the North are zoned M-1 and C-3 (the parcel zoned C-3 is, as of the date hereof, under common ownership as the subject parcel). Properties adjoining to the East and West are zoned R-4 and R-4M, respectively.

DENSITY

The proposed PUD use is intended to have a density of 6.75 units per acre, or less than one-half of the density permitted by current zoning. The contemplated use is intended to be compatible with, and add value to, its surroundings.

BUFFERS AND OPEN SPACE

Conservative adjoining third party property buffers on the North, West, and East property lines of 25 feet (minimum) is planned, while a minimum buffer of 35 feet is planned along the Southern border. Please reference the Proposed Development Standards Summary table for more details.

UTILITIES

Water and gas services are available along Hi Pack Drive and additional service options are being investigated along King Street. Sewer is available along the Eastern property line and is shown on the site plan.

STORMWATER DETENTION

The Property naturally drains from South to North. Accordingly, one or more new detention ponds will be installed in topographically favorable locations to manage stormwater.

STREETS AND ACCESS

The streets and access are proposed as shown on the attached site plan, which illustrates the extent of the planned roads and right-of-way. Note that the access from the North is conditioned upon the completion of the Hi Pack Road extension. Subject to the proposed street and right-of-way widths shown on the attached site plan, the streets of the Project are intended to be public streets built in conformance with the City of Opelika regulations and the Public Works Manual.

PROPOSED DEVELOPMENT STANDARDS SUMMARY

Density: 6.75 units/acre

	Single-Family <u>Exterior Lots</u>	Single-Family <u>Interior Lots³</u>	Townhomes <u>Exterior Lots</u>	Townhomes <u>Interior Lots³</u>	Single-Family <u>Bungalows³</u>
Lot Width:	35 ft.	35 ft.	20 ft.	20 ft.	Condo
Front Setback:	15 ft.	15 ft.	15 ft.	15 ft.	10 ft.
Side Setback:	5 ft.	5 ft.	5 ft.	5 ft.	4 ft.
Side Setback on Street:	10 ft.	0 ft.	10 ft.	0 ft.	0 ft.
Rear Setback:	25 ft.	10 ft.	25 ft.	10 ft.	10 ft.
Min. Lot Size:	2,800 sf	2,000 sf	1,100 sf	1,100 sf	Condo
Max Building Footprint:	50%	60%	100%	100%	Condo
Max Impervious Area:	NR	NR	NR	NR	NR
Max Building Height:	35 ft.	35 ft.	40 ft.	40 ft.	35 ft.
Parking:	2/du	2/du	2/du	2/du	2/du

Notes:

1. The above are minimum widths and setbacks (i.e., lot sizes may be increased to accommodate chosen home footprints).
2. Parking for single-family units and townhomes is assumed to be provided in driveways for the respective units. Bungalows are to be parked in stalls shown on the site plan.
3. At interior lots adjoining nearest the proposed right-of-way, we propose a zero setback against the right-of-way. Otherwise, proposed setbacks are as shown in the above table.

APPLICATION FOR REZONING AND REZONING PETITION

Please see attached.

[The balance of this page intentionally left blank; document continues on the next page]

TAX MAP

**Lee County Alabama
2019 - Public GIS**
Web19 - f16.2-d16.3 - LeeAL - 10-02-2019
Parcel Details

[FavLink](#) [NewSrch](#) [Back](#) [Print](#)

Parcel

Delta Pin:	4051
Parcel No:	43 09 05 22 1 000 001.001
Prop Addr:	0
Deed Acres:	21.91
Deed Info:	B 2571 P 0000361 D 06-07-2019
Plat Info:	B P D --
Neighborhood:	OP
Tax District:	01-Opelika

Owner

Name:	HI PACK QOZB I LLC
Address:	923 ENDICOTT ST
City, State, ZIP:	CHATTANOOGA, TN 37405

Values

Land Total:	\$102,940.00
Building Total:	\$0.00
Appraised Value:	\$102,940.00
Yrly Tax:	\$0 for 2019

Tax History

Tax Year	Date Paid	Amount Paid
...	...	...

LeeAL - 2019 - BASIC PARCEL SUMMARY - 1 Records

[Subscription Site has more data and features. Go to Subscription Website](#)

Row	Info	Pin	Parcel	Name	Parcel Address	Land	Imp	TMkt	Acreage	Tax Dist
1		4051	43 09 05 22 1 000 001.001	HI PACK QOZB I LLC		\$102,940	\$0	\$102,940	21.91	Opelika

SURVEY

Please see accompanying full size document.

PUD SITE PLAN

Please see accompanying full size document

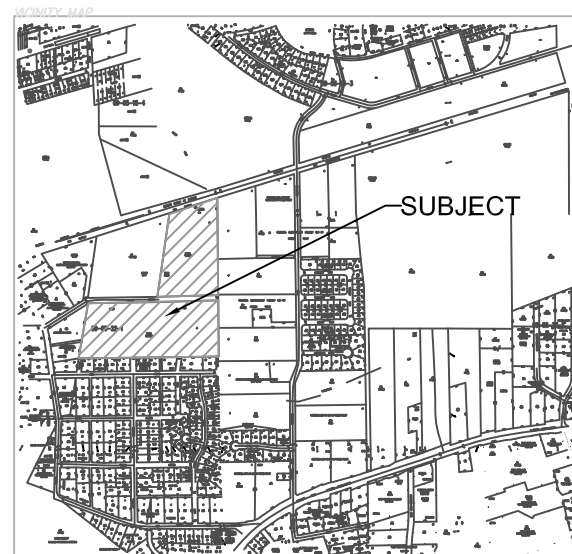
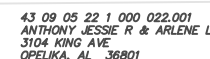
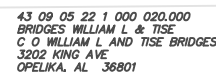
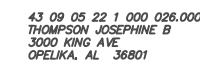
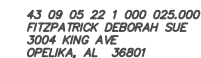
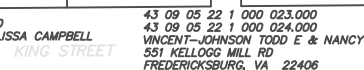
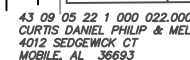
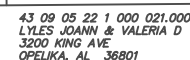
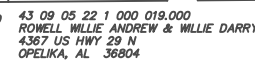
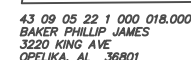
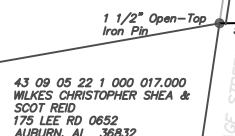
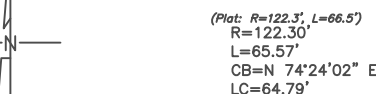
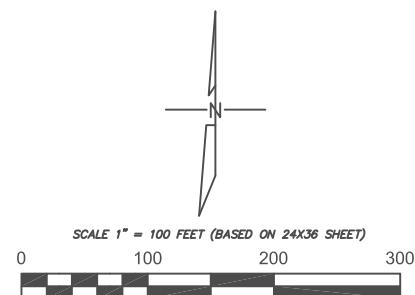
DEED

Please see accompanying full size document

LEGAL DESCRIPTION

PARCEL-B OF HIPACK PARK AS RECORDED IN PLAT BOOK 10, PAGE 134 IN THE OFFICE OF THE PROBATE JUDGE OF LEE COUNTY, ALABAMA.

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CONCEPTUAL SITE PLAN SUBMITTAL
PRESENTED TO THE CITY OF OPELIKA
BY THE PROPERTY OWNER
HI PACK QOZB I, LLC.
DATE: JUNE 2, 2020 (v2)
REV: JUNE 16, 2020 (v3)

OPELIKA
SECS. 15 & 22

LEE COUNTY
T-19-N

ALABAMA
R-26-E

PROPERTY DESCRIPTION

PARCEL-B
PARCEL-B OF HIPACK PARK AS RECORDED IN PLAT BOOK 10,
PAGE 134 IN THE OFFICE OF THE PROBATE JUDGE OF LEE
COUNTY, ALABAMA.

GENERAL NOTES

NO PORTION OF THIS LIES W/IN SPECIAL FLOOD HAZARD AREA

ALL WATER LINES, SANITARY SEWERS, STORM SEWERS AND DRAINAGE, GRADING AND PAVING SHALL BE DESIGNED TO MEET THE SPECIFICATIONS OF THE CITY OF OPELIKA AND CONFORM WITH REQUIREMENTS OF THE PUBLIC WORKS MANUAL.

ZONING: R-5 (UP TO 16 UNITS/ACRE)

ACREAGE: 21.94 SURVEYED ACRES

LEGEND AND UNIT MIX

A SINGLE FAMILY (94 UNITS)

B	TWINHOMES (34 UNITS)
---	----------------------

C BUNGALOW (19 UNITS)

DENSITY = 6.7 UNITS/ACRE

REVISION NOTES

DRAWING REVISED TO SHOW CONCEPTUAL LOT LINES AND
SIDEWALKS.

SURVEY INFORMATION
JAMES D. MILLER
9324 LEE ROAD
OPELIKA, AL 36804
(334) 610-1956
(334) 742-8152

43 09 06 23 2 000 004.000
BURDETTE BOBBY JOE,
C/O BURDETTE JAMES G
2112 CUNNINGHAM DR
OPELIKA, AL 36801

43 09 06 23 2 000 005.000
GLENN ROSS PROPERTIES LLC
MICHEY AJA
HENDERSON REALTY
166 N GAY ST
AUBURN, AL 36830

POTENTIAL SEWER CONNECTION
POINT (COORDINATE FINAL TAP
LOCATION W/ OPELIKA UTILITIES

43 09 06 23 2 000 016.000
CARDONE CLAY M & DEBBIE L
2306 CUNNINGHAM DR
OPELIKA, AL 36801

GENERAL NOTES
NO PORTION OF THIS LIES W/IN SPECIAL FLOOD HAZARD AREA
ALL WATER LINES, SANITARY SEWERS, STORM SEWERS AND
DRAINAGE, GRADING AND PAVING SHALL BE DESIGNED TO MEET
THE SPECIFICATIONS OF THE CITY OF OPELIKA AND CONFORM
WITH REQUIREMENTS OF THE PUBLIC WORKS MANUAL.
ZONING: R-5 (UP TO 16 UNITS/ACRE)
ACREAGE: 21.94 SURVEYED ACRES

LEGEND AND UNIT MIX

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C	BUNGALOW (19 UNITS)

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CONCEPTUAL SITE PLAN SUBMITTAL
PRESENTED TO THE CITY OF OPELIKA
BY THE PROPERTY OWNER
HI PACK QOZB I, LLC.
DATE: JUNE 2, 2020 (v2)
REV: JUNE 16, 2020 (v3)

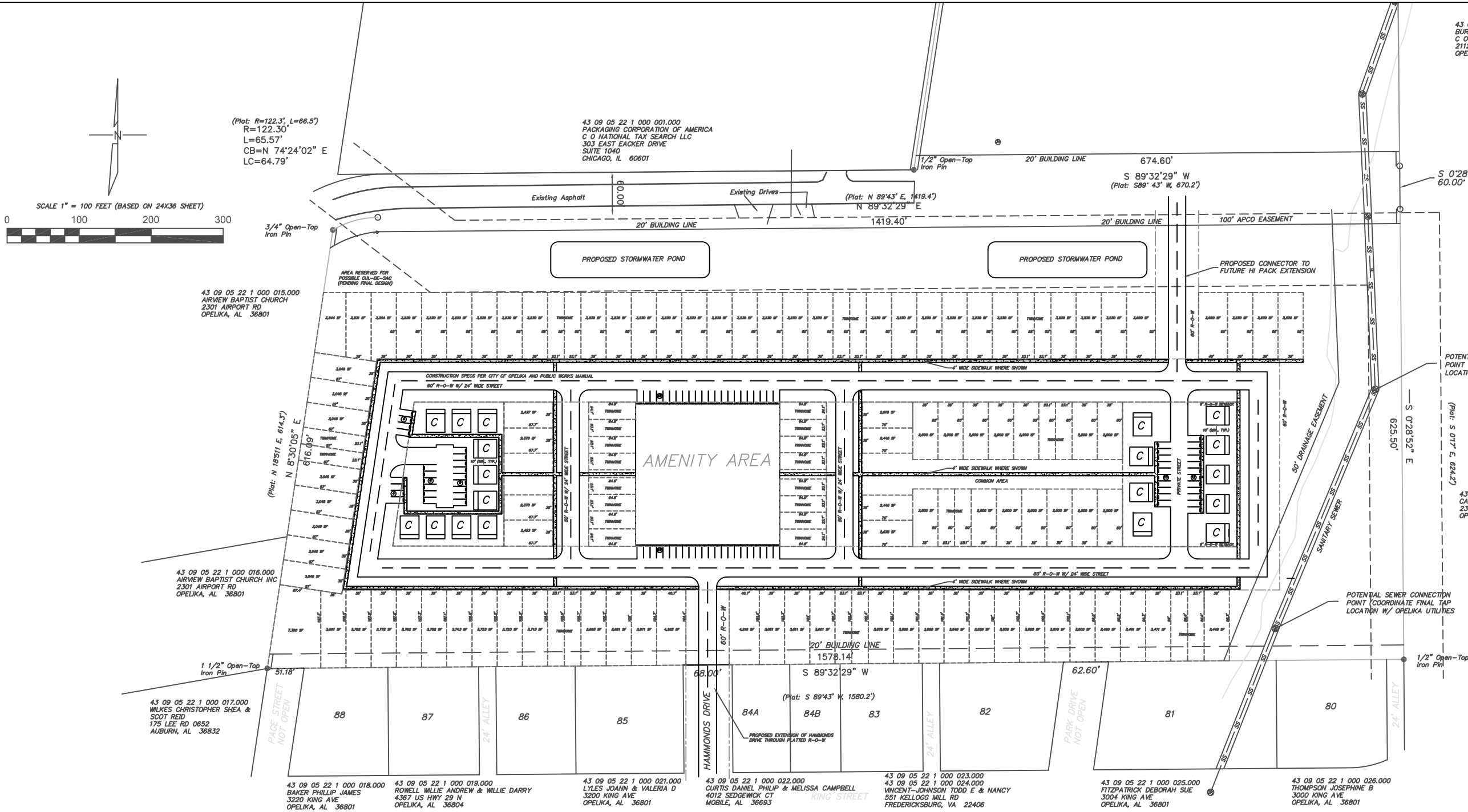
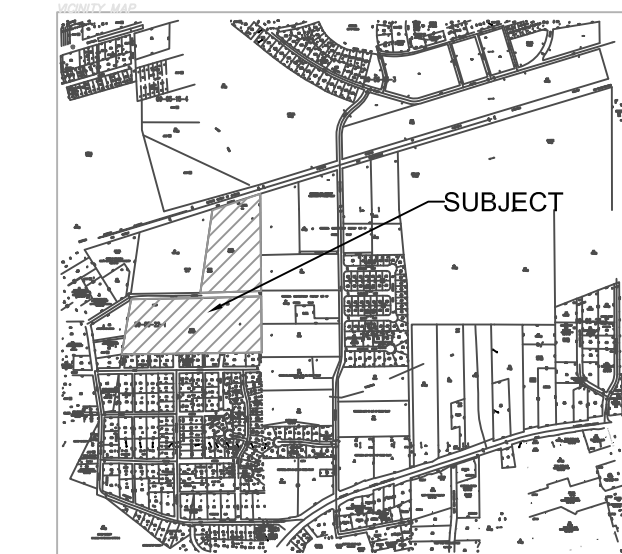
OPELIKA
SECS. 15 & 22

LEE COUNTY
T-19-N

ALABAMA
R-26-E

PROPERTY DESCRIPTION

PARCEL-B
PARCEL-B OF HIPACK PARK AS RECORDED IN PLAT BOOK 10,
PAGE 134 IN THE OFFICE OF THE PROBATE JUDGE OF LEE
COUNTY, ALABAMA.



D-288



THE VILLAGES OF OPELIKA



HILLSTONE ADVANTAGE PARTNERS, LLC
Leveraging Experience to Generate Returns



MASTER PLAN



MASTER PLAN

11.3.a



Attachment: Villages of Opelika PUD narrative and report (4217 : Public Hearing -

RESIDENCE CONCEPTS

**A tasteful combination of homes creating a cohesive community
with modern variety and traditional style.**

SINGLE FAMILY



SINGLE FAMILY

11.3.a



Attachment: Villages of Opelika PUD narrative and report (4217 : Public Hearing -

SINGLE FAMILY

11.3.a



Attachment: Villages of Opelika PUD narrative and report (4217 : Public Hearing -

SINGLE FAMILY



TWINHOMES



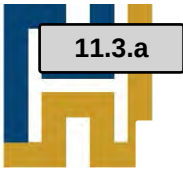
BUNGALOWS

11.3.a



Attachment: Villages of Opelika PUD narrative and report (4217 : Public Hearing -

COMMUNITY IMPACT



Problem: lack of entry level housing within Opelika / Auburn / Lee County

Solution: Villages of Opelika solves this issue by providing a mix of rental and for sale units, providing opportunity for first time homebuyers and new workforce entrants. This strategic mix will ensure longevity of the neighborhood and add value to the surrounding properties.

The seamless integration of for-sale and rental units will allow for the creation of a true mixed income neighborhood at different price points and enable community wealth creation without displacement.

Other Benefits:

- **Construction Jobs**
- **Landscaping, maintenance, and property management jobs for rental units**
- **This deal could become a national model for how to integrate for sale and rental housing in an Opportunity Zone transaction, thereby placing Opelika at the forefront of the Opportunity Zone movement.**

THE TEAM



HILLSTONE ADVANTAGE PARTNERS, LLC
Leveraging Experience to Generate Returns



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4185)

Meeting: 08/18/20 07:00 PM
Department: Economic Development
Category: Public Hearing
Prepared By: Kathryn Daugherty
Initiator: Lori Huguley
Sponsors:
DOC ID: 4185

Public Hearing - Project Agreement with Bonnie Plants, Inc.

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

NOTICE is hereby given that the City Council (the “Council”) of the City of Opelika, Alabama, will meet in public session at 7:00 p.m. on Tuesday, August 18, 2020, in the Courtroom of the Municipal Court Building, 300 Martin Luther King Blvd. in the City of Opelika, Alabama, for the purpose of considering the transaction of business that may properly come before the Council, such business to include, but not be limited to, the authorization by the Council, pursuant to Amendment No. 642 to the Constitution of Alabama of 1901, as amended, of a resolution (the “Resolution”) approving the execution and delivery of a Project Agreement (the “Agreement”) by and among the City of Opelika, a municipal corporation (the “City”), Bonnie Plants, Inc., an Alabama Corporation (the “Company”) and Alabama Farmers Insurance Company for Cooperatives (“AFICC”) to be dated the date of delivery with respect to a proposed new corporate headquarters for the Company to be located in the City (the “Project”).

Pursuant to the Agreement, AFICC and the Company will agree to acquire, construct, equip, establish and operate a new approximately 17,000 square foot Bonnie Plants corporate headquarters building located at 2801 Interstate Drive in the corporate limits of the City, requiring a total estimated capital investment of approximately seven million nine hundred thousand dollars (\$7,900,000.00). The Company estimates that it will have 60 full-time employees when in full service. In consideration for the obligations of AFICC and the Company under the Agreement, the City will agree, among other things, to provide financial incentives to

the Company described more particularly in the Agreement, including cash incentives, performance incentives, tax abatements and tax exemptions.

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

The business entities to whom or for whose benefit the City proposes to lend its credit or grant of public funds or thing of value are Bonnie Plants, Inc. and Alabama Farmers Insurance Company for Cooperatives.

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

During the public meeting referenced above, the City Council will conduct a public hearing with respect to the Agreement and the matters therein contained. All interested persons are invited to attend the public hearing and be heard. Written communications concerning the above matter may be mailed to the City Clerk at City Hall, P.O. Box 390, Opelika, Alabama 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 Compliance Officer at (334) 705-2083 at least two (2) working days prior to the meeting if you require special accommodations due to a disability.

Further information concerning the information of this Notice can be obtained at the

office of the City Clerk during normal business hours.

DATED this the ____ day of _____, 2020.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

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

Please publish the foregoing Notice one (1) time in the August 11, 2020, issue of your paper.

CITY CLERK



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: Purchasing and Revenue
Category: Weed Abatement Assessment
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

GENERAL BUSINESS (ID # 4192)

DOC ID: 4192

Public Hearing - Weed Abatement Assessment - 206 Byrd Ave.

To: State of Alabama
 PO Box 327210
 Montgomery, AL 36132

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 206 Byrd Ave, Parcel 43-10-03-07-1-001-061.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 206 Byrd Ave, Parcel No. 061.000 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 \$240.93.

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 Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 18th day of August, 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 6th day of August, 2020.

 Liz Wright
 Code Compliance Officer

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

Attachment: 206 Byrd NPH-Resolution, cost to abate (4192 : Public Hearing - Weed Abatement Assessment - 206 Byrd Ave.)

WEED ABATEMENT INVOICE

Date: 08/6/2020

To: State of Alabama
PO Box 327210
Montgomery, AL 36132

Property Address:
206 Byrd Ave
Opelika, AL 36801

Parcel # 43-10-03-07-1-001-061.000

On 5/27/2020, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation 6/16/2020.

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

Cost of Abatement: \$ 228.13

Certified mail: \$ 13.80

Misc.

Total \$ 240.93

Attachment: 206 Byrd Ave Weed Invoice (4192 : Public Hearing - Weed Abatement Assessment - 206 Byrd Ave.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: Purchasing and Revenue
Category: Weed Abatement Assessment
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

GENERAL BUSINESS (ID # 4193)

DOC ID: 4193

Public Hearing - Weed Abatement Assessment - 308 Brannon Ave.

To: State of Alabama
 C O Department of Revenue
 PO Box 327210
 Montgomery, AL 36132

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

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 308 Brannon Ave, No. 072.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$235.05.

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 Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 18th day of August, 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 6th day of August, 2020.

 Liz Wright
 Code Compliance Officer

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

WEED ABATEMENT INVOICE

Date: 8/6/2020

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

Property Address:
308 Brannon Ave
Opelika, AL 36801

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

On March 24, 2020, 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 on 5/9/2020.

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

Cost of Abatement: \$ 221.25

Certified mail: \$ 13.80

Misc.

Total \$ 235.05



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: Purchasing and Revenue
Category: Weed Abatement Assessment
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 4194)

DOC ID: 4194

Public Hearing - Weed Abatement Assessment - 509 1st Ave.

To: Loretta Wanat
 11090 Woodruff Road
 Fairburn, GA 30213

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

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 509 1st Avenue, Parcel No. 128.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$ 263.80.

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 Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 18th day of August 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 4th day of August 2020.

 Liz Wright,
 Code Compliance Officer

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

WEED ABATEMENT INVOICE

Date: 8/4/2020

To: Loretta Wanat
 Mailing Address:
 11090 Woodruff Road
 Fairburn, GA 30213

Property Address:
 509 1st Ave
 Opelika, AL 36801

Parcel # 43-10-03-07-1-002.128.000

On 6/15/2020 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation existed 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 7/15/2020.

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

Cost of Abatement: \$ 250.00

Certified Mail: \$ 13.80

Misc.

Total \$ 263.80

Attachment: 509 1st Ave Weed Abate Invoice (4194 : Public Hearing - Weed Abatement Assessment - 509 1st Ave.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: Purchasing and Revenue
Category: Weed Abatement Assessment
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

GENERAL BUSINESS (ID # 4195)

DOC ID: 4195

Public Hearing - Weed Abatement Assessment - 810 Williamson Ave.

To: Mr. Larry Wakefield
 1954 Shades Crest Rd
 Vestavia Hills, AL 35216

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 810 Williamson Ave Parcel 43-10-04-19-2-000-007.000**

=====

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

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 18th day of August, 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 4th day of August 2020.

 Liz Wright
 Code Compliance Officer

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

WEED ABATEMENT INVOICE

Date: 8/4/2020

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

Property Address:
810 Williamson Ave
Opelika Al. 36801
Parcel # 43-10-04-19-2-000-007.000

On 6/15/2020, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner 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 on 7/15/2020.

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

Cost of Abatement:	<u>\$150.00</u>
Certified mail:	<u>\$ 13.34</u>
Misc.	<u> </u>
Total	<u>\$ 163.34</u>



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/18/20 07:00 PM
Department: Purchasing and Revenue
Category: Weed Abatement Assessment
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

GENERAL BUSINESS (ID # 4196)

DOC ID: 4196

Public Hearing - Weed Abatement Assessment - 1733 1st Ave.

To: State of Alabama
 PO Box 327210
 Montgomery Al 36132

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 1733 1st Ave, Parcel 43-09-06-13-2-000-073.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1733 1st Ave, Parcel No. 073.000 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 \$190.50.

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 Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 18th day of August, 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 4th day of August, 2020.

 Liz Wright
 Code Compliance Officer

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

Attachment: 1733 1st Ave NPH-Resolution, cost to abate (4196 : Public Hearing - Weed Abatement Assessment - 1733 1st Ave.)

WEED ABATEMENT INVOICE**Date: 08/4/2020****To: State of Alabama
PO Box 327210
Montgomery Al. 36132****Property Address:
1733 1st Ave
Opelika Al. 36801****Parcel # 43-09-06-13-2-000-073.000**

On 05/25/2020 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation 6/15/2020.

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

Cost of Abatement: \$ 176.90Certified mail: \$ 13.60Misc. Total \$ 190.50

Attachment: 1733 1st Ave Weed Invoice (4196 : Public Hearing - Weed Abatement Assessment - 1733 1st Ave.)



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4122)

Meeting: 08/18/20 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 4122

Public Hearing - Demolition at 509 1st Avenue.

June 10, 2020

TO:

Loretta L. Wanat
11090 Woodruff Road
Fairburn, GA 30213

NOTICE OF DANGEROUS BUILDING, FINDING OF PUBLIC NUISANCE AND ORDER TO REMEDY

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a building located within the City of Opelika, Alabama (the "City") is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, Loretta L. Wanat is the owner of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the "Subject Property":

Street Address: 509 1st Avenue, Opelika, AL 36801

Legal Description: Start at a point in the City of Opelika, Alabama where the Southeasterly margin of First Avenue intersects the Northeasterly margin of Sixth Street; thence run North 47 degrees 48 minutes East, along the Southeasterly margin of First Avenue, a distance of 133.33 feet to the point of beginning of the lot or parcel to be herein described and conveyed: From said point of beginning continue thence North 47 degrees 48 minutes East for a distance of 66.67 feet; thence South 42 degrees 12 minutes East for a distance of 103 feet; thence South 47 degrees 48 minutes West, a distance of 66.67 feet; thence North 42 degrees 12 minutes West a distance of 103 feet to be the said point of beginning. Together with all improvements thereon and appurtenances thereunto belonging.

AND:

Parcel One (1) of the Downtown Urban Renewal Unit No. 2, Project No. U.R. ALA. R-54, as shown on map or plat dated the 21st day of January, 1974, prepared by Noah L. McCrory, Civil Engineer Reg. No. 2596, which is of record in Town Plat Book 8 at Page 158 in the Office of the Judge of Probate of Lee County, Alabama; together with any and all improvements thereon and appurtenances thereunto appertaining.

Being further described as a portion of Lot 1-A of Block 40 as shown by “Totten’s Official Real Estate Map of Opelika, Alabama, 1930”, as recorded in the Office of the Judge of Probate of Lee County, Alabama; in Town Plat Book 2, at Page 9, and being more particularly described as follows: Commence at the intersection of the Southeasterly margin of First Avenue (as same now exists) with the Northeasterly margin of North Sixth Street (as same now exists) in the City of Opelika, Alabama, Alabama; thence run South 43°15’ East, along a projection of the said Northeasterly margin of said North Sixth Street, for a distance of 103.0 feet; thence run North 46°45’ East for 66.6 feet; thence run North 43°15’ West for 103.0 feet to a point on the said Southeasterly margin of said First Avenue; thence run South 46°45’ West, along the said Southeasterly margin of said First Avenue, for 66.6 feet, more or less, to the aforesaid point of beginning.

Also being further described as Parcel Number 43-10-03-07-1-002-128.000, according to records maintained in the Lee County Revenue Commissioner’s Office.

Parcel Identification Number: 43-10-03-07-1-002-128.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on August 6, 2019. Based upon said inspection, the building located on the Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:
(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- ☐ (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.

- X (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.
- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- X (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.

- ☐ (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- X (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.
- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.
- X (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

Attached hereto is a report which outlines the findings from said inspection and identifies specific code violations.

The Building Official further finds and determines that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land). The Building Official further finds and determines that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 116-15 governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is a fire hazard existing in violation of the terms of Ordinance No. 116-15, governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

NOTICE is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time specified herein to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

The Building Official finds that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants. Therefore, the undersigned Building Official orders that the building on the Subject Property shall be and remain vacant until demolished.

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, August 18, 2020, at 7:00 p.m. in the courtroom of the Municipal Court Building, 300 Martin Luther King Blvd. Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

(1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.

(2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated

pursuant to this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(4) It is unlawful for any person who has received this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

This office seeks and anticipates your cooperation and compliance in this matter. Positive efforts by citizens like yourself help make Opelika a better community.

If there is any other way this office can assist you in resolving this matter, please immediately call Jeff Kappelman, the Building Official assigned to your case at 334-705-5420.

Thank you in advance for your attention to this Notice and your prompt response.

DATED this the ____ day of June, 2020.

Sincerely,

Jeff Kappelman
Building Official of the City of Opelika, Alabama
700 Fox Trail
Opelika, AL 36801
334-705-5420

NOTICE OF REQUIRED REPAIRS

TO:

**Loretta L. Wanat
11090 Woodruff Road
Fairburn, GA 30213**

Parcel #: 10-03-07-1-002-128.000
Property Address: 509 1st Avenue
Opelika, AL 36801

Date of Notice: June 10, 2020

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika.

The repairs needed are listed below but not limited to the following:

Exterior:

- Tear off and re-roof entire house and garage. Replace roof boards and rafters as needed.
- Replace all deteriorated fascia boards at house and garage.
- Repair ceilings, walls and floors as needed throughout.
- Cut all grass and weeds on entire property.
- Remove all vegetation that is in contact with the house and garage.
- Cut back all shrubs and trees that are growing next to the structures.
- Install a new HVAC heating/cooling system.

Electrical: Have a licensed electrical contractor install a new electrical service. Install smoke detectors inside each bedroom and outside each bedroom. If any gas appliances exist, then CO detectors need to be installed outside the bedrooms. Install 2 separate 20 amp circuits in the kitchen, 20 amp laundry circuit, 220 V circuit for electric range if gas is not provided. Install 2 exterior outlets at grade. One in front, one in back.

Note: Only the exterior of this building has been inspected. I was not able to enter the building at time of inspection. Therefore, the condition of the walls, floor and floor covering, ceilings must be in good condition.

There must be a central source of heat, a water heater, plumbing fixtures and waste/vent must be in proper working order.

Please contact David Chapman of the Building Inspections Division office at (334) 705-5420 to answer any questions.

General Business (ID # 4122)

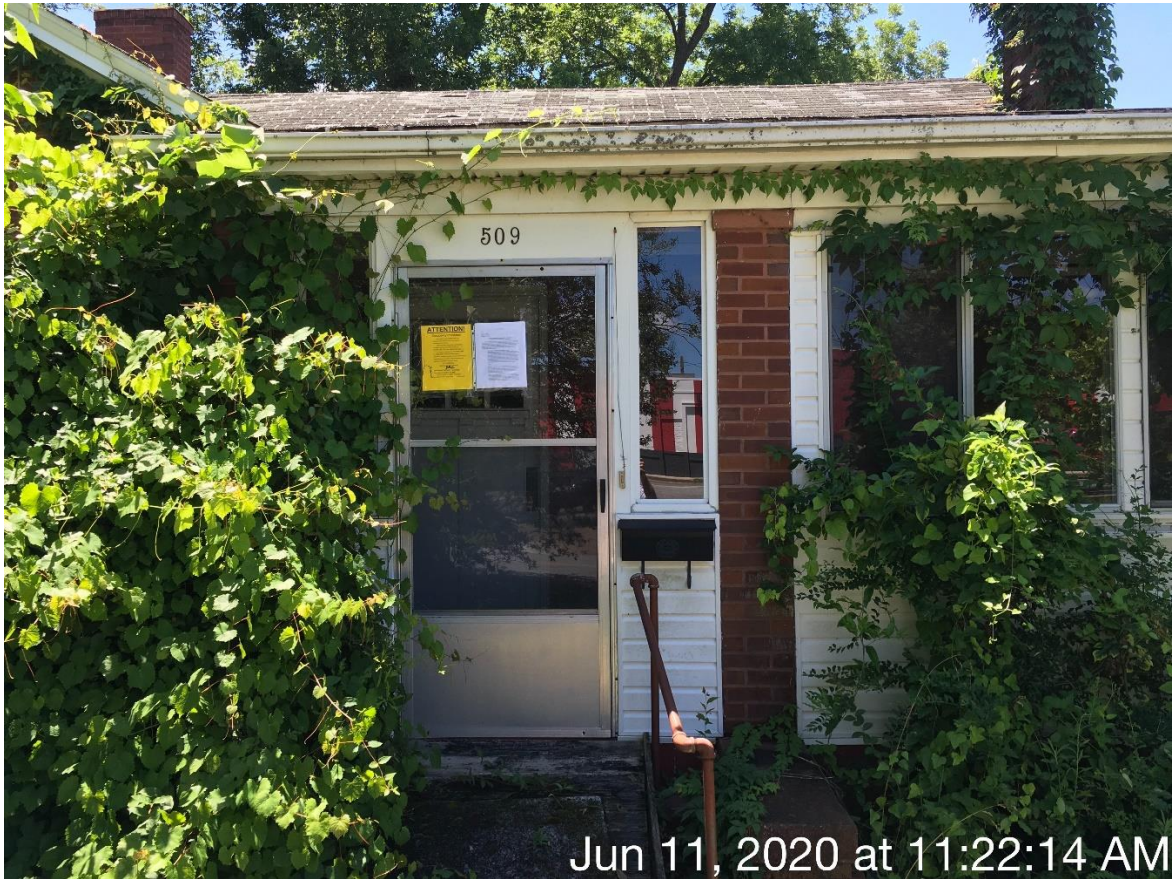
Meeting of August 18, 2020

Dated this the 10th Day of June, 2020.

Sincerely,

**David R. Chapman
Building Inspector**

Photos of 509 1st Avenue



Attachment: Photos of 509 1st Avenue (4122 : Public Hearing - Demolition at 509 1st Avenue.)



Attachment: Photos of 509 1st Avenue (4122 : Public Hearing - Demolition at 509 1st Avenue.)



Attachment: Photos of 509 1st Avenue (4122 : Public Hearing - Demolition at 509 1st Avenue.)



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Attachment: Photos of 509 1st Avenue (4122 : Public Hearing - Demolition at 509 1st Avenue.)



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4124)

Meeting: 08/18/20 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 4124

Public Hearing - Demolition at 1400 2nd Avenue.

June 19, 2020

TO: Marrell Hartley
Bence-Hartley, Inc.
209 Lancelot Lane
Opelika, AL 36801

AuburnBank
100 N. Gay Street
Auburn, AL 36804

NOTICE OF DANGEROUS BUILDING, FINDING OF PUBLIC NUISANCE AND ORDER TO REMEDY

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a cinder block building located within the City of Opelika, Alabama (the "City") is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, Bence-Hartley, Inc. is the owner of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the "Subject Property":

Street Address: 1400 2nd Avenue, Opelika, AL 36801

Legal Description: Lot 1A, Bence-Hartley subdivision, First Revision, according to and as sown by that certain map or plat thereof of record in Town Plat Book 34, at Page 145, in the Office of the Judge of Probate of Lee County, Alabama.

Also being further described as Parcel Number 43-09-01-12-002-085.000 according to records maintained in the Lee County Revenue Commissioner's Office.

Parcel Identification Number: 43-09-01-12-002-085.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on May 27, 2020 Based upon said inspection, the building located on the Subject Property is deemed to be a "dangerous building" within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:
(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- ☐ (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- X (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.

- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- X (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.
- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.
- X (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

Attached hereto is a report which outlines the findings from said inspection and identifies specific code violations.

The Building Official further finds and determines that the cinder block building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land). The Building Official further finds and

determines that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 116-15 governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is a fire hazard existing in violation of the terms of Ordinance No. 116-15, governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

NOTICE is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time specified herein to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

The Building Official finds that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants. Therefore, the undersigned Building Official orders that the building on the Subject Property shall be and remain vacant until demolished.

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, August 18, 2020, at 7:00 p.m. in the courtroom of the Municipal Court Building, 300 Martin Luther King Blvd. Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the cinder block building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these

proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

(1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.

(2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(4) It is unlawful for any person who has received this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

This office seeks and anticipates your cooperation and compliance in this matter. Positive efforts by citizens like yourself help make Opelika a better community.

If there is any other way this office can assist you in resolving this matter, please immediately call David Chapman, the Building Inspector assigned to your case at 334-705-5420.

Thank you in advance for your attention to this Notice and your prompt response.

DATED this the ____ day of June, 2020.

Sincerely,

Jeff Kappelman
Building Official of the City of Opelika, Alabama
700 Fox Trail
Opelika, AL 36801
334-705-5420

NOTICE OF REQUIRED REPAIRS

TO:

**Marrell Hartley
Bence-Hartley, Inc.
209 Lancelot Lane
Opelika, AL 36801**

**Auburn Bank
100 N. Gay Street
Auburn, AL 36804**

Parcel #: 09-01-12-4-002-085.000
Property Address: 1400 2nd Avenue
Opelika, AL 36801

Date of Notice: June 19, 2020

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika.

The repairs needed are listed below but not limited to the following:

Exterior:

- **Tear off and re-roof entire house and garage. Replace roof boards and rafters as needed.**
- **Replace all deteriorated fascia boards at building.**
- **Repair damaged/deteriorated concrete blocks throughout.**
- **Replace doors and windows with new.**
- **Repair ceilings, walls and floors as needed throughout.**
- **Cut all grass and weeds on entire property.**
- **Remove all vegetation that is in contact with the house and garage.**
- **Cut back all shrubs and trees that are growing next to the structures.**
- **Install a new HVAC heating/cooling system.**

Electrical: Have a licensed electrical contractor install a new electrical service. Install smoke detectors inside each bedroom and outside each bedroom. If any gas appliances exist, then CO detectors need to be installed

outside the bedrooms. Install 2 separate 20 amp circuits in the kitchen, 20 amp laundry circuit, 220 V circuit for electric range if gas is not provided. Install 2 exterior outlets at grade. One in front, one in back.

Note: Only the exterior of this building has been inspected. I was not able to enter the building at time of inspection. Therefore, the condition of the walls, floor and floor covering, ceilings must be in good condition.

There must be a central source of heat, a water heater, plumbing fixtures and waste/vent must be in proper working order.

Please contact David Chapman of the Building Inspections Division office at (334) 705-5420 to answer any questions.

Dated this the 19th Day of June, 2020.

Sincerely,

David R. Chapman
Building Inspector



Attachment: Photos of 1400 2nd Ave (4124 : Public Hearing - Demolition at 1400 2nd Avenue.)



Attachment: Photos of 1400 2nd Ave (4124 : Public Hearing - Demolition at 1400 2nd Avenue.)



Attachment: Photos of 1400 2nd Ave (4124 : Public Hearing - Demolition at 1400 2nd Avenue.)



Attachment: Photos of 1400 2nd Ave (4124 : Public Hearing - Demolition at 1400 2nd Avenue.)

RESOLUTION NO. 161-20

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
-----	-----	-----
Patricia A. Jones	Legislative	123.06

-) 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:

Russell A. Jones

City Clerk - City Treasurer

EXPENSE REPORT

NAME

DEPARTMENT

PERIOD ENDING

Patricia A. Jones

Legislative

7/23/2020

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												
MON												
TUE												
WED												
THU 7/23	Montgomery, AL					72.46		32.60			18.00	123.06
FRI												
SAT												
WEEKLY CATEGORY TOTALS \$												105.06

WEEKLY TOTAL EXPENSES

NUMBER OF DAYS AWAY FROM HOME

1

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

1

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL
Alabama League of Municipalities-State
Convention

METHOD OF REIMBURSEMENT
☐ DEDUCT FROM
MY ADVANCE ☒ MAIL: TO

Patricia A. Jones

1407 Harper Street

Opelika, AL 36801

SIGNATURE
Patricia A. Jones

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

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT
7/23	PARKING	18.00

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
	To Montgomery-63miles@57.5%	36.23
	From Montgomery-63miles@57.5	36.23

The House
Renaissance Montgomery
334-481-5166

1144 Tiffany 1

CHK 781 TBL 15/4
7/23/2020 12:35 PM

Dining

1 Seared Salmon 26.00
Food \$26.00
Tax \$2.60
12:39 PM
Total Due \$28.60

The House
Renaissance Montgomery
334-481-5166
7/23/2020 12:53 PM

Check: CHK 781
Table: 15/4
Server: 1144 Tiffany
Card Type: Visa
Acct Num: *****0945
Auth Code: 023026
Customer: PATRICIA A JONES

Amount: \$28.60

Tip: 4.00

Total: 32.60

Printed Name

Patricia A Jones
Signature

I agree to pay the above amount
according to my cardholder agreement.

Thank You
Renaissance Montgomery
Hotel & Spa

Rev Lane Exit
DATE: 07/23/20
TIME: 04:55 PM

Receipt No. 43/2422/83
* Original *

Ticket: 191871
Entry : 07/23/20 08:18 AM
LPR : JPE11

TAX included 18.00

Credit 18.00
Trans ID : 210943
Card No. : xxxxxxxxxxxx0945
Card Type: VISA

Thank You
PMC Parking

Attachment: Expense Report Patsy Jones 8-18-20 (161-20 : Expense Reports from various departments.)

RESOLUTION NO. 162-20

Designate City Personal Property as Surplus & Authorize Disposal.

RESOLUTION NO. _____

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

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

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

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

No.	Qty.	Unit	Item Description	Fixed Asset
1.	1	Ea.	2002 Dodge Pickup 3BZKC26Z82M232363	87002204

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:

Russell A. Jones
City Clerk - Treasurer

RESOLUTION NO. 163-20

Request Refund of Occupational License Fees to Sawyer Stephens.

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 \$1,189.37 can be printed payable to Sawyer Stephens, 1402 Ridge Road, 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 _____, 2020.

C.E. "Eddie" Smith, Jr.

President of the City Council
City of Opelika, Alabama

ATTEST:

Russell A. Jones

City Clerk / Treasurer

RESOLUTION NO. 164-20

Request Refund of Sewer Service Fees at 1998 1st Avenue.

Sewer Refund 1998 First Avenue-Medical Arts Associate Corporation

RESOLUTION NO. _____

WHEREAS, a petition by Medical Arts Associate Corporation located at 1998 First Avenue, Opelika, Alabama has been presented to the City of Opelika for refund of sewer service fees overpaid in the amount of \$5,923.23; and

WHEREAS, the petition has been validated by the Public Works Department for the City of Opelika, Alabama, and

WHEREAS, the amount of refund was verified by the Opelika Utility Board,

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

Opelika, Alabama, as follows:

- 1) That the petitioner be and the same is entitled to a refund in said amount; and
- 2) That the Public Works Director is hereby authorized to process the necessary paperwork so said refund check for overpayment of sewer fees in the amount of \$5,923.23 to Medical Arts Associate Corporation located at 1998 First Avenue, Opelika, Alabama can be prepared.
- 3) That the Clerk of the City of Opelika is hereby authorized to sign and mail said refund check.

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

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

ATTEST:

Russell A. Jones
City Clerk - Treasurer

RESOLUTION NO. 165-20

Purchase - Zoll X-Series Defibrillator - Sole Source - FD.**RESOLUTION NO.** _____**WHEREAS**, the Fire Department desires to purchase a Zoll X-Series Defibrillator; and**WHEREAS**, this is a sole source purchase; and**WHEREAS**, Zoll Medical Corporation is the sole source vendor for the Zoll X-Series Defibrillator; and**WHEREAS**, funding for this purchase is will come from Operating Supplies;**NOW, THEREFORE, BE IT RESOLVED** by the City of Opelika, Alabama as follows:

1. That the purchase be awarded to Zoll Medical Corporation.
2. That the Purchasing-Revenue Manager be authorized to issue a purchase order to Zoll Medical Corporation as a sole source purchase not to exceed \$31,061.56.
3. That the Controller be authorized to adjust the budget as necessary for 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:

Russell A. Jones

City Clerk - Treasurer

CITY OF OPELIKA
Sole Source Justification

DEPARTMENT Fire

REQUISITION NUMBER _____

NAME OF REQUESTING EMPLOYEE Byron Prather

VENDOR ZOLL Medical Corporation

PRODUCT/SERVICE ZOLL X-Series Manual Monitor/Defibrillator

Estimated annual expenditure for the commodity or service \$ 31,061.56

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

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

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

DEPARTMENT HEAD SIGNATURE Byron J. Pothoff.
 DEPARTMENT/DIVISION/DATE 8/5/2020

PURCHASING DEPARTMENT USE ONLY

PURCHASING AGENT APPROVAL
 (SIGNATURE/DATE) agw . 8/11/2020

DISAPPROVAL/DATE _____

COMMENTS _____

COUNCIL ACTION/DATE _____



269 Mill Road
Chelmsford, Massachusetts 01824-4105
978-421-9655 (main)
978-421-0025 (fax)
www.zoll.com

July 27, 2020

Jonathan Kennedy
Opelika Fire Rescue
604 Avenue B
Opelika, AL 36801

Dear Jonathan,

We appreciate your selection of ZOLL® products for Opelika Fire Rescue. This letter serves as confirmation that ZOLL® Medical Corporation at 269 Mill Road in Chelmsford, Massachusetts, is the sole manufacturer and source of X Series® Defibrillators for the EMS Market. ZOLL® or Michael Saner, Account Executive, will not sell an X Series® Defibrillator to Opelika Fire Rescue, through any vendor or dealer.

Should you have any questions or require additional information please contact me at 800-348-9011 x 9657

Sincerely,

A handwritten signature in cursive script that reads "Nancy Branco".

Nancy Branco
Local Contracts Specialist

**FIRE DEPARTMENT**

604 Avenue B
P.O. Box 266
Opelika, AL 36803-0266
(p) 334-705-5300
(f) 334-705-5307
www.opelika-al.gov

August 5, 2020

Mrs. Finley,

The Opelika Fire Department currently uses ZOLL X-Series Monitors/Defibrillators on all the rescue trucks. The fire engines in Opelika as well as other City departments utilize ZOLL AED's, which use the same type of defibrillation pads used by the cardiac monitors. This saves valuable time during a medical emergency by being able to disconnect the pads from the AED unit and connect to the cardiac monitor. The purchase of any other type of cardiac monitor/defibrillator would cause a lack of uniformity and standardization. An increase in supply costs would also be noticeable, as most disposable items used on the cardiac monitor (blood pressure cuffs, defibrillation pads, etc.) are manufacturer specific and not interchangeable with our current supplies. Let me know if you have any further questions.

Thanks,

A handwritten signature in blue ink that reads 'Jonathan Kennedy'.

Jonathan Kennedy
EMS/Hazmat Coordinator





TO: Opelika Fire Rescue
1015 Avenue B
Opelika, AL 36801

Attn: **Jonathan Kennedy**

email: jkennedy@opelika.net

Tel: 334-705-5339

ZOLL Medical Corporation

Worldwide Headquarters
269 Mill Rd
Chelmsford, Massachusetts 01824-4105
(978) 421-9655 Main
(800) 348-9011
(978) 421-0015 Customer Support
FEDERAL ID#: 04-2711626

QUOTATION 345366 V:4

DATE: July 29, 2020

TERMS: Net 30 Days

FOB: Shipping Point

FREIGHT: Prepay and Add

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE
1	601-2221011-01	X Series ® Manual Monitor/Defibrillator with 4 trace tri-mode display monitor/ defibrillator/ printer, comes with Real CPR Help®, advisory algorithm, advanced communications package (Wi-Fi, Bluetooth, USB cellular modem capable) USB data transfer capable and large 6.5"(16.5cm) diagonal screen, full 12 ECG lead view with both dynamic and static 12-lead mode display. Accessories Included: • MFC cable • MFC CPR connector • A/C power adapter/ battery charger • A/C power cord • One (1) roll printer paper • 6.6 Ah Li-ion battery • Carry case • Declaration of Conformity • Operator's Manual • Quick Reference Guide • One (1)-year EMS warranty Advanced Options: Real CPR Help Expansion Pack CPR Dashboard quantitative depth and rate in real time, release indicator, interruption timer, perfusion performance indicator (PPI) • See - Thru CPR artifact filtering ZOLL Noninvasive Pacing Technology:	1	\$37,275.00	\$28,701.75	\$28,701.75 *

To the extent that ZOLL and Customer, or Customer's Representative have negotiated and executed overriding terms and conditions ("Overriding T's & C's"), those terms and conditions would apply to quotation. In all other cases, this quote is made subject to ZOLL's Standard Commercial Terms and Conditions ("ZOLL T's & C's") which for capital equipment, accessories and consumables can be found at <http://www.zoll.com/GTC> and for software products can be found at <http://www.zoll.com/SSPTC> and for hosted software products can be found at <http://www.zoll.com/SSHTC>. Except in the case of overriding T's and C's, any Purchase Order ("PO") issued in response to this quotation will be deemed to incorporate ZOLL T's & C's, and any other terms and conditions presented shall have no force or effect except to the extent agreed in writing by ZOLL.

1. DELIVERY WILL BE MADE 60-90 DAYS AFTER RECEIPT OF ACCEPTED PURCHASE ORDER.
2. PRICES QUOTED ARE VALID UNTIL SEPTEMBER 30, 2020.
3. APPLICABLE TAX, SHIPPING & HANDLING WILL BE ADDED AT THE TIME OF INVOICING.
4. ALL PURCHASE ORDERS ARE SUBJECT TO CREDIT APPROVAL BEFORE ACCEPTABLE BY ZOLL.
5. FAX PURCHASE ORDER AND QUOTATION TO ZOLL CUSTOMER SUPPORT AT 978-421-0015 OR EMAIL TO ESALES@ZOLL.COM.
6. ALL DISCOUNTS OFF LIST PRICE ARE CONTINGENT UPON PAYMENT WITHIN AGREED UPON TERMS.
7. PLACE YOUR ACCESSORY ORDERS ONLINE BY VISITING www.zollwebstore.com.

Mike Saner
EMS Territory Manager
402-616-7977

Attachment: 8-18-20 - ZOLL X-SERIES DEFIBRILLATOR - SOLE SOURCE - CNCL PKT (165-20 : Purchase - Zoll X-Series Defibrillator - Sole



TO: Opelika Fire Rescue
1015 Avenue B
Opelika, AL 36801

Attn: **Jonathan Kennedy**

email: jkennedy@opelika.net

Tel: 334-705-5339

ZOLL Medical Corporation

Worldwide HeadQuarters
269 Mill Rd
Chelmsford, Massachusetts 01824-4105
(978) 421-9655 Main
(800) 348-9011
(978) 421-0015 Customer Support
FEDERAL ID#: 04-2711626

QUOTATION 345366 V:4

DATE: July 29, 2020

TERMS: Net 30 Days

FOB: Shipping Point

FREIGHT: Prepay and Add

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE
		Masimo Pulse Oximetry SP02 - Signal Extraction Technology (SET) - Rainbow SET NIBP Welch Allyn includes: - Smartcuff 10 foot Dual Lumen hose - SureBP Reusable Adult Medium Cuff End Tidal Carbon Dioxide monitoring (ETCO2) Oridion Microstream Technology: Order required Microstream tubing sets separately Interpretative 12- Lead ECG: 12-Lead one step ECG cable- includes 4- Lead limb lead cable and removable precordial 6- Lead set				
2	8000-0330	SpO2 Rainbow Reusable Patient Cable: Connects to LNCS Single Use and Reusable Sensors (4 ft)	2	\$295.00	\$227.15	\$454.30 *
3	8000-0294	SpO2 LNCS Adult Reusable Sensor (1 each)	2	\$295.00	\$227.15	\$454.30 *
4	8000-002005-01	Cable Sleeve, Propaq / X Series, ZOLL Blue	1	\$52.45	\$40.39	\$40.39 *

To the extent that ZOLL and Customer, or Customer's Representative have negotiated and executed overriding terms and conditions ("Overriding T's & C's"), those terms and conditions would apply to quotation. In all other cases, this quote is made subject to ZOLL's Standard Commercial Terms and Conditions ("ZOLL T's & C's") which for capital equipment, accessories and consumables can be found at <http://www.zoll.com/GTC> and for software products can be found at <http://www.zoll.com/SSPTC> and for hosted software products can be found at <http://www.zoll.com/SSHTC>. Except in the case of overriding T's and C's, any Purchase Order ("PO") issued in response to this quotation will be deemed to incorporate ZOLL T's & C's, and any other terms and conditions presented shall have no force or effect except to the extent agreed in writing by ZOLL.

Mike Saner
EMS Territory Manager
402-616-7977

- DELIVERY WILL BE MADE 60-90 DAYS AFTER RECEIPT OF ACCEPTED PURCHASE ORDER.
- PRICES QUOTED ARE VALID UNTIL SEPTEMBER 30, 2020.
- APPLICABLE TAX, SHIPPING & HANDLING WILL BE ADDED AT THE TIME OF INVOICING.
- ALL PURCHASE ORDERS ARE SUBJECT TO CREDIT APPROVAL BEFORE ACCEPTABLE BY ZOLL.
- FAX PURCHASE ORDER AND QUOTATION TO ZOLL CUSTOMER SUPPORT AT 978-421-0015 OR EMAIL TO ESALES@ZOLL.COM.
- ALL DISCOUNTS OFF LIST PRICE ARE CONTINGENT UPON PAYMENT WITHIN AGREED UPON TERMS.
- PLACE YOUR ACCESSORY ORDERS ONLINE BY VISITING www.zollwebstore.com.

Attachment: 8-18-20 - ZOLL X-SERIES DEFIBRILLATOR - CNCL PKT (165-20 : Purchase - Zoll X-Series Defibrillator - Sole



TO: Opelika Fire Rescue
1015 Avenue B
Opelika, AL 36801

Attn: **Jonathan Kennedy**

email: jkennedy@opelika.net

Tel: 334-705-5339

ZOLL Medical Corporation

Worldwide HeadQuarters
269 Mill Rd
Chelmsford, Massachusetts 01824-4105
(978) 421-9655 Main
(800) 348-9011
(978) 421-0015 Customer Support
FEDERAL ID#: 04-2711626

QUOTATION 345366 V:4

DATE: July 29, 2020

TERMS: Net 30 Days

FOB: Shipping Point

FREIGHT: Prepay and Add

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE
5	8000-0580-01	Six hour rechargeable Smart battery	2	\$519.75	\$400.21	\$800.42 *
6	8778-89003-PP	Precision Service Plan, 3 Year, Point of Sale	1	\$3,930.00	\$3,537.00	\$3,537.00 *
7	5001-9928	ZOLL E Series w/Pacing, 12 lead + 3 parameters or more Trade-In	1		(\$3,000.00)	(\$3,000.00) **
8		Estimated Ground Shipping				\$73.40
*Reflects Discount Pricing. **Trade-In Value valid if all equipment purchased is in good operational and cosmetic condition, and includes all standard accessories. Customer assumes responsibility for shipping trade-in equipment to ZOLL Chelmsford within 60 days of receipt of new equipment. Customer agrees to pay cash value for trade-in equipment not shipped to ZOLL on a timely basis. **Trade value guaranteed only through September 30, 2020.						

To the extent that ZOLL and Customer, or Customer's Representative have negotiated and executed overriding terms and conditions ("Overriding T's & C's"), those terms and conditions would apply to quotation. In all other cases, this quote is made subject to ZOLL's Standard Commercial Terms and Conditions ("ZOLL T's & C's") which for capital equipment, accessories and consumables can be found at <http://www.zoll.com/GTC> and for software products can be found at <http://www.zoll.com/SSPTC> and for hosted software products can be found at <http://www.zoll.com/SSHTC>. Except in the case of overriding T's and C's, any Purchase Order ("PO") issued in response to this quotation will be deemed to incorporate ZOLL T's & C's, and any other terms and conditions presented shall have no force or effect except to the extent agreed in writing by ZOLL.

TOTAL \$31,061.56

Mike Saner
EMS Territory Manager
402-616-7977

1. DELIVERY WILL BE MADE 60-90 DAYS AFTER RECEIPT OF ACCEPTED PURCHASE ORDER.
2. PRICES QUOTED ARE VALID UNTIL SEPTEMBER 30, 2020.
3. APPLICABLE TAX, SHIPPING & HANDLING WILL BE ADDED AT THE TIME OF INVOICING.
4. ALL PURCHASE ORDERS ARE SUBJECT TO CREDIT APPROVAL BEFORE ACCEPTABLE BY ZOLL.
5. FAX PURCHASE ORDER AND QUOTATION TO ZOLL CUSTOMER SUPPORT AT 978-421-0015 OR EMAIL TO ESALES@ZOLL.COM.
6. ALL DISCOUNTS OFF LIST PRICE ARE CONTINGENT UPON PAYMENT WITHIN AGREED UPON TERMS.
7. PLACE YOUR ACCESSORY ORDERS ONLINE BY VISITING www.zollwebstore.com.

Attachment: 8-18-20 - ZOLL X-SERIES DEFIBRILLATOR - SOLE SOURCE - CNCL PKT (165-20 : Purchase - Zoll X-Series Defibrillator - Sole

RESOLUTION NO. 166-20

Purchase - Furniture for Covington Rec Ctr - State Contr #T390 - P&R.**RESOLUTION NO. _____**

WHEREAS, Parks and Recreation desires to purchase furniture for Covington Recreation Center utilizing the State of Alabama Contract #T390; and

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

WHEREAS, funds for this purchase are budgeted;

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

1. That purchase be awarded to OFS Brands Holdings, Inc.; Alabama Office Supply as the assisted dealer.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to OFS Brands Holdings, Inc.; Alabama Office Supply as the assisted dealer in the total amount of \$39,764.99.
3. That the Controller be authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

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

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

ATTEST:

Russell A. Jones
City Clerk - Treasurer



PROPOSAL

Alabama Office Supply

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

TO OPELIKA PARKS & RECREATION
 COVINGTON CENTER

PROPOSAL NO.

DATE July 13, 2020

CUSTOMER ID

EXPIRATION DATE

DESCRIPTION	QUANTITY	UNIT PRICE	LINE TOTAL
FRONT LOBBY			
HON HFLRC1 Lobby Lounge Chairs	8	\$991.95	\$7,935.60
HON H80170 Cylinder Side Table	1	\$326.91	\$326.91
RFM 1515-110 Desk Chair	1	\$375.65	\$375.65
HON H10578/H10502 30x60 Desk w/ 1 drawer	1	\$693.60	\$693.60
CONFERENCE ROOM			
HON HTLC48144GH.N.H/HTLP144 12" Conference Table Finish:	1	\$693.60	\$693.60
RFM 153-30C Conference Chairs w/ hard floor soft casters	12	\$378.95	\$4,547.40
HON HTLPRES 4x4 Conf. Cabinet	1	\$848.13	\$848.13
HON HTLCREDB Conference Credenza 57"x20x36	1	\$1,264.80	\$1,264.80
OFFICE 1			
HON H10592/H10541/H10570/H10502/H10503 Exec U Desk w/ lateral file pedestal	1	\$1,804.89	\$1,804.89
RFM BT16-2024-110A Desk Chair	1	\$501.05	\$501.05
RFM 9541A Side Charis GR: D	2	\$254.65	\$509.30
HON H105299 66" Storage Cabinet w/ locking doors	1	\$1,084.26	\$1,084.26
MAT4660HFL 46x60 Hard Floor Mat	1	\$65.00	\$65.00
HON HTLPRES 4x4 Conference Cabinet	1	\$848.13	\$848.13
HON H10563 Two drawer lateral file	1	\$496.23	\$496.23

OFFICE 2**HON H10592/H10541/H10570/H10502/H10503**

1

\$1,804.89

\$1,804.89

*Exec U Desk w/ lateral file pedestal***RFM 1538-110**

1

\$435.66

\$435.66

*Desk Chair***RFM 9541A**

2

\$254.65

\$509.30

*Guest Chair GR:D***HON HTLPRES**

1

\$848.13

\$848.13

*4x4 Conference Cabinet***HON H10563**

1

\$496.23

\$496.23

*Two drawer lateral file***MAT4660HFL**

1

\$65.00

\$65.00

*46x60 Hard Floor Mat***OFFICE 3****HON H10592/H105681X/H10504/H10502**

1

\$1,340.79

\$1,340.79

*Exec L Desk Unit***RFM 1538-110**

1

\$435.60

\$435.60

*Desk Chair***RFM 9541A**

2

\$254.65

\$509.30

*Guest Chair GR:D***HON HTLPRES**

1

\$848.13

\$848.13

*4x4 Conference Cabinet***MAT4660HFL**

1

\$65.00

\$65.00

*46x60 Hard Floor Mat***PRE-SCHOOL LOBBY****HON HFLRC1**

9

\$991.95

\$8,927.55

*Lobby Lounge Chairs***HON H80170**

2

\$326.91

\$653.82

*Cylinder Side Table***MISCELLANEOUS****SAFCO 4324BL**

2

\$415.52

\$831.04

*Rotating Forms Holder***Pricing Per State of AL T390 Contract***HON @ 49% off list/installed**RFM @ 45% off list/installed**SAFCO @ 44% off list/installed*

SUBTOTAL	\$39,764.99
SALES TAX	
TOTAL	\$39,764.99

2

TERMS

F.O.B.

EST. SHIP DATE

TAX INCLUDED

INSTALLED

Pre-paid

No

Yes

BY:



Managing Partner, Wake Asbury

THANK YOU FOR YOUR BUSINESS!

Attachment: 8-18-20 - PURCHASE - FURNITURE FOR COVINGTON REC CTR - STATE CONTRACT #T390 - CNCL PKT (166-20 : Purchase -



State of Alabama
Department of Finance
Division of Purchasing
Master Agreement

13.6.a

Modification

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 17000000067

NOT TO EXCEED AMOUNT:

Begin Date: 03/01/2017

Procurement Folder: 213906

Expiration Date: 02/28/2022

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 06/07/19

Version Number: 3

CONTACT INFORMATION

REQUESTOR:

Kerri Butler
334-353-0303
Kerri.Butler@purchasing.alabama.gov

ISSUER:

Kerri Butler
334-353-0303
Kerri.Butler@purchasing.alabama.gov

BUYER:

Kerri Butler
334-353-0303
Kerri.Butler@purchasing.alabama.gov

CONTRACT DESCRIPTION

1A T390 Furniture

Ship To:

Bill To:

REASON FOR MODIFICATION

Update buyer

ENDOR INFORMATION

Name /Address:

Contact:

VC000046369: Ofs Brands Holdings, Inc.

Martha Schwindt
8126834848 EXT: 7257
Mschwindt@Ofsbrands.Com

1204 E. 6TH Street

Huntingburg IN 47542-0100

State of Alabama



Assisting Dealers

Opelika

Alabama Office Supply

201 S 8th Street

Opelika, AL 36801

Wake Asbury

wakea@aaoffice.com

334-749-3456

Alabama Office Supply

201 S. 8th St.

Opelika, AL 36803

Gary Blackwell

Blackwell039@bellsouth.net

334-215-7697

Alabama Office Supply

201 S 8th Street

Opelika, AL 36803

Wake Asbury

wakea@charter.net

334-749-3456

Alabama Office Supply

202 South 8th St.

Opelika, AL 36803

Wake Asbury

wakea@alaoffice.com

334-749-3456

Alabama Office Supply

201 S 8th St

Opelika, AL 36801

Jim Motley

jimm@alaoffice.com

334-749-3456

RESOLUTION NO. 167-20

Approve Change Order - Fire Training Facility - PW.

RESOLUTION NO. _____

**RESOLUTION APPROVING CHANGE ORDER TO CONTRACT
BETWEEN THE CITY OF OPELIKA AND CARLISLE SERVICES, LLC
RELATED TO FIRE TRAINING FACILITY**

WHEREAS, the City Council (“Council”) of the City of Opelika, Alabama (the “City”) heretofore approved the development and construction of a new Fire Training Facility to be located at 1601 Talladega Street, Opelika, Alabama, (the “Project”); and

WHEREAS, on March 3, 2020, pursuant to Resolution No. 048-20, the City Council approved a resolution awarding the contract for the construction of the Project to Carlisle Services, LLC on its low bid of \$496,040.35; and

WHEREAS, during the construction of the Project, it became apparent that additional concrete in the driveways at the Project was needed; and

WHEREAS, a change order to the Contract between the City and Carlisle Services, LLC, has been submitted for approval; and

WHEREAS, the change order will increase the total contract amount by \$24,355.65, resulting in a new contract amount of \$529,396.00; and

WHEREAS, the Public Works Director has reviewed all prices and found them to be reasonable, fair and equitable and recommends approval of said change order; and

WHEREAS, said change order is necessitated by unforeseen circumstances arising during the course of work for items not contemplated when the plans and specifications were prepared and bid and the amount of the change order does not exceed ten percent of the contract price; and

WHEREAS, the City Council endorses the statements, findings and recommendations of the Public Works Director and hereby finds and determines that it is in the public interest to approve said change order.

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

1. That the change order in the amount of \$24,355.65 to the contract between the City and Carlisle Services, LLC, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A", is hereby approved.
2. That the Mayor is hereby authorized and directed to execute the above-referenced change order in the name of 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.
4. That the Purchasing-Revenue Manager is hereby authorized and directed to issue appropriate a purchase order for the above-referenced change order.
5. That the amount of the change order to be paid to Carlisle Services, LLC, shall come from the Building Improvement, Repairs and Maintenance Budget of the Fire Department, and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments 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, ALABAMA

ATTEST:

CITY CLERK

Exhibit A

ConsensusDocs® 202

CHANGE ORDER



OWNER: City of Opelika

CONTRACTOR: Carlisle Services LLC

Project: Fire Training Facility

Contract Date: March 5, 2020

Change Order No. 1

This Change Order is made this 5 day of August, 2020

By City of Opelika (Owner), and

Carlisle Services LLC (Contractor)

for the following changes in the Work:

The Owner agrees to pay for all changes in the Work performed by the Contractor under this Change Order according to the terms of the Agreement. The amount paid by the Owner shall be full compensation for all Work requested and for all effects of this document on the Work. The change, if any, in the Contract Price shall be computed according to one of the following methods.

1. ☐ No Change



ConsensusDocs® 202 - Change Order - © 2007, Revised 2011. THIS DOCUMENT MAY HAVE BEEN MODIFIED. The ConsensusDocs technology platform creates a redline comparison to the standard language which the purchaser of this contract is authorized to share for review purposes. Consultation with legal and insurance counsel are strongly encouraged. You may only make copies of finalized documents for distribution to parties in direct connection with this contract. Any other uses are strictly prohibited.
CONTENT SECURE ID: B3B06589-1F7D
CONTENT SECURE ID: 15E6A99C-C519

2. ☐ Costs Plus a Fee ☐

3. ☐ Unit Price ☐

4. X Lump Sum of \$ \$24,355.65

Unless Item 1 or 4 is marked, the Contractor shall submit promptly to Owner such itemized labor and material breakdowns as Owner may require for Work performed or deleted from the Agreement by this Change Order. The Contractor shall include the cost of such change in its next application for payment in a separate line item.

The change, if any, in the Contract Time resulting from the Work requested by the Change Order shall be determined according to the terms of the Agreement and allows for NA an additional NA deletion of 0 (zero) Days.

CONTRACTOR: Carlisle Services LLC.

By: Jason Strickland

Title: PM

Date: 8/5/20

OWNER: City of Opelika

By: _____

Title: ☐

Date: ☐

END OF DOCUMENT.



Opelika Fire training
Additional concrete paving

Choose from Table
Do Not Modify

Cost Code	Code Description	CLIN	Alternate	Description	Cost Type	QTY	Units	Unit Price	Total Price
	#N/A		BB						
02 41 00	Demolition		BB	Demo 20'x30' existing concrete	Subcontractor	1	LS	\$ 750.00	\$ 750.00
02 41 00	Demolition		BB	Sawcut edge of asphalt for apron tie in, dispose asph.	Materials	1	EA	\$ 550.00	\$ 550.00
	#N/A		BB						
	#N/A		BB	50'x16' area in rear of building					
32 13 13	Concrete Paving		BB	6" paving, concrete	Materials	14.8	CY	\$ 130.00	\$ 1,925.93
32 13 13	Concrete Paving		BB	6" paving, fiber mesh	Materials	14.8	CY	\$ 7.00	\$ 103.70
	#N/A		BB						
	#N/A		BB	50'x60' area on side of building					
32 13 13	Concrete Paving		BB	6" paving, concrete	Materials	55.6	CY	\$ 130.00	\$ 7,222.22
32 13 13	Concrete Paving		BB	6" paving, fiber mesh	Materials	55.6	CY	\$ 7.00	\$ 388.89
	#N/A		BB						
	#N/A		BB	16'x20' area in front of building					
32 13 13	Concrete Paving		BB	6" paving, concrete	Materials	5.9	CY	\$ 130.00	\$ 770.37
32 13 13	Concrete Paving		BB	6" paving, fiber mesh	Materials	5.9	CY	\$ 7.00	\$ 41.48
	#N/A		BB						
	#N/A		BB	Concrete labor					
03 30 00	Cast-In-Place Concrete		BB	Concrete labor form/strip	Labor	48.0	HRS	\$ 35.00	\$ 1,680.00
03 30 00	Cast-In-Place Concrete		BB	Concrete place/finish	Subcontractor	1.0	LS	\$ 3,000.00	\$ 3,000.00
	#N/A		BB						
31 22 00	Grading		BB	Excavate for concrete apron, spread spoils onsite	Subcontractor	1	LS	\$ 3,600.00	\$ 3,600.00
33 00 00	Utilities		BB	Install 6" pipe under back apron	Subcontractor	1	LS	\$ 400.00	\$ 400.00
33 00 00	Utilities		BB	Relocating utilities not included		0		\$	\$
	#N/A		BB						
	#N/A		BB						
	#N/A		BB						
	#N/A		BB	STOP ADDING ROWS					
50 10 00	Overhead	50		Overhead	Other	\$ 20,432.59	%	10%	\$ 2,043.26
50 11 00	Profit	50		Profit	Other	\$ 20,432.59	%	8%	\$ 1,634.61
50 12 00	Bond	50		Bond	Other	\$ 20,432.59	%	1.2%	\$ 245.19
50 13 00	Other	50							
	#N/A								
Base Bid Subtotal									\$ 20,432.59
Base Bid Total									\$ 24,355.65

Opelika Fire training
Additional concrete paving

Choose from Table

Do Not Modify

Cost Code	Code Description	CLIN	Alternate	Description	Cost Type	QTY	Units	Unit Price	Total Price
	#N/A		BB						
02 41 00	Demolition		BB	Demo 20'x30' existing concrete	Subcontractor	1	LS	\$ 750.00	\$ 750.00
02 41 00	Demolition		BB	Sawcut edge of asphalt for apron tie in, dispose asph.	Materials	1	EA	\$ 550.00	\$ 550.00
	#N/A		BB						
	#N/A		BB	50'x15' area in rear of building					
32 13 13	Concrete Paving		BB	6" paving, concrete	Materials	14.8	CY	\$ 130.00	\$ 1,926.93
32 13 13	Concrete Paving		BB	6" paving, fiber mesh	Materials	14.8	CY	\$ 7.00	\$ 103.70
	#N/A		BB						
	#N/A		BB	50'x60' area on side of building					
32 13 13	Concrete Paving		BB	6" paving, concrete	Materials	55.6	CY	\$ 130.00	\$ 7,222.22
32 13 13	Concrete Paving		BB	6" paving, fiber mesh	Materials	55.6	CY	\$ 7.00	\$ 388.89
	#N/A		BB						
	#N/A		BB	16'x20' area in front of building					
32 13 13	Concrete Paving		BB	6" paving, concrete	Materials	5.9	CY	\$ 130.00	\$ 770.37
32 13 13	Concrete Paving		BB	6" paving, fiber mesh	Materials	5.9	CY	\$ 7.00	\$ 41.48
	#N/A		BB						
	#N/A		BB	Concrete labor					
03 30 00	Cast-In-Place Concrete		BB	Concrete labor form/strip	Labor	48.0	HRS	\$ 35.00	\$ 1,680.00
03 30 00	Cast-In-Place Concrete		BB	Concrete place/finish	Subcontractor	1.0	LS	\$ 3,000.00	\$ 3,000.00
	#N/A		BB						
31 22 00	Grading		BB	Excavate for concrete apron, spread spoils onsite	Subcontractor	1	LS	\$ 3,600.00	\$ 3,600.00
33 00 00	Utilities		BB	Install 6" pipe under back apron	Subcontractor	1	LS	\$ 400.00	\$ 400.00
33 00 00	Utilities		BB	Relocating utilities not included		0		\$ -	\$ -
	#N/A		BB						
	#N/A		BB						
	#N/A		BB						
	#N/A		BB	STOP ADDING ROWS					
50 10 00	Overhead	50		Overhead	Other	\$ 20,432.59	%	10%	\$ 2,043.26
50 11 00	Profit	50		Profit	Other	\$ 20,432.59	%	8%	\$ 1,634.61
50 12 00	Bond	50		Bond	Other	\$ 20,432.59	%	1.2%	\$ 245.19
50 13 00	Other	50							
	#N/A								
Base Bid Subtotal									\$ 20,432.59
Base Bid Total									\$ 24,355.65

RESOLUTION NO. 168-20

Project Agreement with Bonnie Plants, Inc. and AFICC.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING PROJECT AGREEMENT
BY AND AMONG THE CITY OF OPELIKA, ALABAMA,
BONNIE PLANTS, INC., AND ALABAMA FARMERS INSURANCE
COMPANY FOR COOPERATIVES**

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

Section 1. The Council upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the City of Opelika, Alabama (the “City”), Bonnie Plants, Inc. an Alabama corporation (the “Company”) and Alabama Farmers Insurance Company for Cooperatives (“AFICC”) have prepared and presented to the Council that certain Project Agreement by and among the City, AFICC, and the Company to be dated the date of delivery, as well as all exhibits attached thereto (collectively, the “Agreement” or the “Project Agreement”) for the purposes referenced therein.

(b) The City is authorized to do any of the actions or undertakings referenced in Amendment No. 642 to the Constitution of Alabama of 1901, as amended (“Amendment 642”).

(c) Pursuant to the Project Agreement, AFICC and the Company will agree to acquire, construct, equip, and operate within the City a new approximately 17,000 square foot

Bonnie Plants corporate headquarters building located at 2801 Interstate Drive, requiring a capital investment of approximately seven million nine hundred thousand dollars (\$7,900,000.00).

(d) In consideration for the obligations of AFICC and the Company under the Project Agreement, the City will agree, among other things, to provide financial incentives to AFICC and the Company described more particularly in the Project Agreement, including cash incentives, performance incentives, tax abatements and tax exemptions.

(e) The expenditure of public funds for the purposes specified in the Project Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities, because it will facilitate the acquisition and construction of the Project for the benefit of the general public, will increase employment opportunities in the City and will increase the tax and revenue base of the City.

(f) On August 11, 2020, the City caused to be published in *The Opelika-Auburn News*, which newspaper has the largest circulation in the City, the Notice required by Amendment 642, a true and correct copy of which Notice is attached hereto. The information set forth in said Notice is true and correct, and the publication of said Notice is hereby ratified and confirmed.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm

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

(b) the terms and provisions of the Project Agreement, with such changes thereto (by addition, deletion, or substitution) as the Mayor shall approve (other than an increase in the

amount of the City's financial commitment which must be approved by this Council), which approval shall be conclusively evidenced by execution and delivery of the Project Agreement as hereinafter provided.

Section 3. The Mayor is hereby authorized and directed to execute and deliver the Project Agreement for and on behalf of and in the name of the City. The Clerk is hereby authorized and directed to affix the official seal of the City to the Project Agreement and to attest the same.

Section 4. The Mayor and the officers of the City are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices and petitions and proceedings with respect to the Project Agreement, as the Mayor and such other officers shall determine to be necessary or desirable to carry out the provisions of this Resolution and the Project Agreement or to duly and punctually observe and perform all agreements and obligations of the City under the Project Agreement.

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

Section 6. This Resolution shall take effect immediately.

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

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

ATTEST:

CITY CLERK

I, the undersigned qualified and acting City Clerk of the City of Opelika, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a resolution lawfully passed and adopted by the City Council of the City of Opelika at a regular meeting held on the 18th day of August, 2020, and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Opelika on this the ____ day of _____, 2020.

CITY CLERK

CITY OF OPELIKA, ALABAMA

RESOLUTION NO. 169-20

Approve Tax Abatements and Exemptions for Bonnie Plants, Inc. and AFICC.

RESOLUTION NO. _____

**RESOLUTION APPROVING CERTAIN TAX ABATEMENTS AND
EXEMPTIONS FOR BONNIE PLANTS, INC. AND ALABAMA FARMERS
INSURANCE COMPANY FOR COOPERATIVES**

WHEREAS, Bonnie Plants, Inc., an Alabama corporation, (the “Company”) is a nation-wide grower and distributor of garden plants, vegetables, herbs, and flowering plants; and

WHEREAS, the Company has announced plans to locate its corporate headquarters (the “Project” or “Facility”) at 2801 Interstate Drive, Opelika, Alabama, within the jurisdiction of the City of Opelika (the “City”); and

WHEREAS, Alabama Farmers Insurance Company for Cooperatives, an Alabama corporation (“AFICC”) has announced plans to acquire the land and construct the building comprising the Project and will lease the Project to the Company; and

WHEREAS, the Project, involving the acquisition of land, the construction of a new building, and the purchase of new personal property, will involve a total capital investment of approximately seven million nine hundred thousand and no/100 dollars (\$7,900,000.00); and

WHEREAS, AFICC has announced its estimated capital investment in the Project (involving the purchase of the land and construction of the building) will be approximately \$7,300,000.00; and

WHEREAS, the Company has announced plans to purchase and install new personal property at the Facility; and

WHEREAS, the Company has announced that its estimated capital investment in the Project will be approximately \$600,000.00; and

WHEREAS, the Project is estimated to be placed in service by December 1, 2021; and

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

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

WHEREAS, the Company’s NAICS Code 55111 meets the qualifications of an industrial or research enterprise in accordance with § 40-9B-3(6), *Code of Alabama*, as amended; and

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

WHEREAS, the Company and AFICC have requested that the abatement of state and local non-educational property taxes be extended for a period of ten (10) years in accordance with the Act; and

WHEREAS, pursuant to Article IV of Chapter 51 of Title 11, *Code of Alabama*, the

Company and AFICC have requested from the City a complete exemption of non-educational City ad valorem taxes for the Project for a period of fifteen (15) years; and

WHEREAS, the City has considered the requests of the Company and AFICC and their respective completed Form Co: CAA Application to Granting Authority for Abatement of Taxes, filed by the Company and AFICC, respectively, with the City in connection with their request (separately the “Abatement Application” or collectively, the “Abatement Applications”); and

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

WHEREAS, the Project will involve a combined capital investment of approximately seven million nine hundred thousand and no/100 dollars (\$7,900,000.00) which includes acquisition of land, the construction of a new building, and new personal property to be purchased and installed at the Facility and related costs; and

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

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

WHEREAS, the Company and AFICC are duly qualified to do business in the State of Alabama and have the power to enter into and to perform and observe the agreements and covenants on their respective parts contained in the Tax Abatement Agreements; and

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

WHEREAS, the City wishes to secure the numerous and significant benefits to the City, its business community and residents that will likely result from the development of the Facility due to the construction of the new corporate headquarters building and the purchase and installation of said new personal property at the Facility.

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

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

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

3. The abatements and exemptions granted herein do not include any ad valorem taxes earmarked for city and county schools and school district purposes. The tax abatements and exemptions for ad valorem taxes under paragraphs 1 and 2 shall not exceed the maximum

abatement allowed by state law.

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

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

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

7. This resolution shall take effect upon 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, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. 170-20

Weed Abatement Assessment - 206 Byrd Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
206 Byrd Ave, Parcel No. 061.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 206 Byrd Ave, parcel no. 061.000 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 206 Byrd Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 18th day of August, 2020 at 7:00 p.m. in the Municipal Court 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 \$240.93 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 206 Byrd Ave, Parcel no. 061.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-07-1-001-061.000 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 ____ day of _____, 2020.

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

Attest:

Russell A. Jones
City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 08/6/2020

To: State of Alabama
PO Box 327210
Montgomery, AL 36132

Property Address:
206 Byrd Ave
Opelika, AL 36801

Parcel # 43-10-03-07-1-001-061.000

On 5/27/2020, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation 6/16/2020.

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

Cost of Abatement: \$ 228.13

Certified mail: \$ 13.80

Misc.

Total \$ 240.93

Attachment: 206 Byrd Ave Weed Invoice (170-20 : Weed Abatement Assessment - 206 Byrd Ave.)

RESOLUTION NO. 171-20

Weed Abatement Assessment - 308 Brannon Ave.

RESOLUTION NO. _____

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

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 308 Brannon Ave, parcel no. 072.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 308 Brannon Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 18th day of August, 2020 at 7:00 p.m. in the Municipal Court 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 \$ 235.05 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 308 Brannon Ave, Parcel no. 072.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-08-2-001-072.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 8/6/2020

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

Property Address:
308 Brannon Ave
Opelika, AL 36801

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

On March 24, 2020, 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 on 5/9/2020.

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

Cost of Abatement: \$ 221.25

Certified mail: \$ 13.80

Misc.

Total \$ 235.05

Attachment: 308 Brannon Ave Weed Abatement Invoice (171-20 : Weed Abatement Assessment - 308 Brannon Ave.)

RESOLUTION NO. 172-20

Weed Abatement Assessment - 509 1st Ave.

RESOLUTION NO. _____

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

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 509 1st Ave, parcel no. 128.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 509 1st Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 18th day of August, 2020 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

WHEREAS, the Council met at the designated time and place for the purpose of receiving and considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$263.80 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 509 1st Ave., Parcel no. 128.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-07-1-002.128.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 8/4/2020

To: Loretta Wanat
Mailing Address:
11090 Woodruff Road
Fairburn, GA 30213

Property Address:
509 1st Ave
Opelika, AL 36801

Parcel # 43-10-03-07-1-002.128.000

On 6/15/2020 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation existed 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 7/15/2020.

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

Cost of Abatement: \$ 250.00

Certified Mail: \$ 13.80

Misc.

Total \$ 263.80

Attachment: 509 1st Ave Weed Abate Invoice (172-20 : Weed Abatement Assessment - 509 1st Ave.)

RESOLUTION NO. 173-20

Weed Abatement Assessment - 810 Williamson Ave.

RESOLUTION NO. _____

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

=====

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

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

WHEREAS, the 18th of August, 2020 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

WHEREAS, the Council met at the designated time and place for the purpose of receiving and considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

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

the amount thereof; and

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

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

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

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

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

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

Attest:

Russell A. Jones
City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 8/4/2020

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

Property Address:
810 Williamson Ave
Opelika Al. 36801
Parcel # 43-10-04-19-2-000-007.000

On 6/15/2020, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner 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 on 7/15/2020.

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

Cost of Abatement:	<u>\$150.00</u>
Certified mail:	<u>\$ 13.34</u>
Misc.	<u> </u>
Total	<u>\$ 163.34</u>

Attachment: 810 Williamson, Weed, Abatement Invoice (173-20 : Weed Abatement Assessment - 810 Williamson Ave.)

RESOLUTION NO. 174-20

Weed Abatement Assessment - 1733 1st Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1733 1st Ave, Parcel No. 073.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1733 1st Ave, parcel no. 073.000 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 1733 1st Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 18th day of August, 2020 at 7:00 p.m. in the Municipal Court 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 \$190.50 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1733 1st Ave, Parcel no. 073.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-06-13-2-000-073.000 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 ____ day of _____, 2020.

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

Attest:

Russell A. Jones
City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 08/4/2020****To: State of Alabama
PO Box 327210
Montgomery Al. 36132****Property Address:
1733 1st Ave
Opelika Al. 36801****Parcel # 43-09-06-13-2-000-073.000**

On 05/25/2020 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation 6/15/2020.

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

Cost of Abatement: \$ 176.90Certified mail: \$ 13.60Misc. Total \$ 190.50**Attachment: 1733 1st Ave Weed Invoice (174-20 : Weed Abatement Assessment - 1733 1st Ave.)**

RESOLUTION NO. 175-20

Resolution for Demolition - 509 1st Avenue.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE
LOCATED AT 509 1st AVENUE, OPELIKA, ALABAMA 36801, PARCEL ID NO.: 43-10-
03-07-1-002-128.000 IN COMPLIANCE WITH SECTIONS**

**11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.**

OF THE CITY OF OPELIKA, ALABAMA

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 509 1st Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-07-1-002-128.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Loretta L. Wanat is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Loretta L. Wanat is the person last assessing the subject property for state taxes; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Loretta L. Wanat, 11090 Woodruff Road, Fairburn, GA 30213; and

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

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

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

WHEREAS, Tuesday, August 18, 2020 at 7:00 p.m. in the courtroom of the Municipal Court Building, 300 Martin Luther King, Blvd., Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 509 1st Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, August 18, 2020, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 509 1st Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 509 1st Avenue, Opelika, Alabama, Parcel I.D. Number: 43-10-03-07-1-002-128.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Start at a point in the City of Opelika, Alabama where the Southeasterly margin of First Avenue intersects the Northeasterly margin of Sixth Street; thence run North 47 degrees 48 minutes East, along the Southeasterly margin of First Avenue, a distance of 133.33 feet to the point of beginning of the lot or parcel to be herein described and conveyed: From said point of beginning continue thence North 47 degrees 48 minutes East for a distance of 66.67 feet; thence South 42 degrees 12 minutes East for a distance of 103 feet; thence South 47 degrees 48 minutes West, a distance of 66.67 feet; thence North 42 degrees 12 minutes West a distance of 103 feet to be the said point of beginning. Together with all improvements thereon and appurtenances thereunto belonging.

AND:

Parcel One (1) of the Downtown Urban Renewal Unit No. 2, Project No. U.R.

ALA. R-54, as shown on map or plat dated the 21st day of January, 1974, prepared by Noah L. McCrory, Civil Engineer Reg. No. 2596, which is of record in Town Plat Book 8 at Page 158 in the Office of the Judge of Probate of Lee County, Alabama; together with any and all improvements thereon and appurtenances thereunto appertaining.

Being further described as a portion of Lot 1-A of Block 40 as shown by "Totten's Official Real Estate Map of Opelika, Alabama, 1930", as recorded in the Office of the Judge of Probate of Lee County, Alabama; in Town Plat Book 2, at Page 9, and being more particularly described as follows: Commence at the intersection of the Southeasterly margin of First Avenue (as same now exists) with the Northeasterly margin of North Sixth Street (as same now exists) in the City of Opelika, Alabama, Alabama; thence run South 43°15' East, along a projection of the said Northeasterly margin of said North Sixth Street, for a distance of 103.0 feet; thence run North 46°45' East for 66.6 feet; thence run North 43°15' West for 103.0 feet to a point on the said Southeasterly margin of said First Avenue; thence run South 46°45' West, along the said Southeasterly margin of said First Avenue, for 66.6 feet, more or less, to the aforesaid point of beginning.

Also being further described as Parcel Number 43-10-03-07-1-002-128.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

4. Upon the demolition and removal of said building or structure, the Building Official shall make a report to the City Council of the cost. The City Council shall thereafter

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2020.

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

ATTEST:

CITY CLERK

Cc: Loretta L. Wanat
11090 Woodruff Road

Fairburn, GA 30213

RESOLUTION NO. 176-20

Resolution for Demolition - 1400 2nd Avenue.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A CINDER BLOCK BUILDING
OR STRUCTURE LOCATED AT 1400 2ND AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-09-01-12-4-002-085.000 IN COMPLIANCE WITH SECTIONS**

**11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.**

OF THE CITY OF OPELIKA, ALABAMA

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the cinder block building or structure located at 1400 2nd Avenue , Opelika, Alabama, 36801, Parcel I.D. Number: 43-09-01-12-4-002-085.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Bence-Hartley, Inc. is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Bence-Harley, Inc. is the entity last assessing the subject property for state taxes; and

WHEREAS, AuburnBank is the mortgagee of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Bence-Hartley, 209 Lancelot Lane, Opelika, AL 36801 and the mortgagee, AuburnBank, 100 North Gay Street, Auburn, AL 36830; and

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

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

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

WHEREAS, Tuesday, August 18, 2020 at 7:00 p.m. in the courtroom of the Municipal Court Building, 300 Martin Luther King, Blvd., Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the cinder block building located at 1400 2nd Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, August 18, 2020, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 1400 2nd Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the cinder block building or structure located at 1400 2nd Avenue, Opelika, Alabama, Parcel I.D. Number: 43-09-01-12-4-002-085.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lot 1A, Bence-Hartley subdivision, First Revision, according to that certain map or plat thereof of record in Town Plat Book 34, at Page 145, in the Office of the Judge of Probate of Lee County, Alabama.

Also being further described as Parcel Number 43-09-01-12-4-002-085.000, according to records maintained in the Lee County Revenue Commissioner's Office.

2. The Mayor is hereby authorized and directed to cause said cinder block building or structure to be demolished and removed after the expiration of twenty (20) days from the date

of this resolution if an appeal has not been taken to the Circuit Court. The demolition may be accomplished by the municipality by the use of its own forces, or it may be provided by contract for the demolition. The municipality may sell or otherwise dispose of salvaged materials resulting from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2020.

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

ATTEST:

CITY CLERK

Cc: Bence-Hartley, Inc.
209 Lancelot Lane
Opelika, AL 36801

AuburnBank
100 N. Gay Street
Auburn, AL 36830

RESOLUTION NO. 177-20

Authorize New Job Classification and Description for Community Relations Specialist with
OPD.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING NEW JOB CLASSIFICATION
AND JOB DESCRIPTION FOR COMMUNITY RELATIONS SPECIALIST AT THE
OPELIKA POLICE DEPARTMENT**

WHEREAS, the Mayor has submitted his recommendation to the City Council to authorize the new job classification and job description for Community Relations Specialist and to amend the organizational chart of the Opelika Police Department.

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

1. That the new job classification of Community Relations Specialist in the Opelika Police Department at pay grade 18 is hereby approved and authorized by the City Council.
2. That the new job description of Community Relations Specialist, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved by the City Council.
3. That the Police Chief is hereby authorized and directed to modify the organizational chart of the Opelika Police Department to implement the changes in personnel as contemplated by this Resolution. The Community Relations Specialist shall report directly to the Special Services Captain.
4. That all compensation and benefits attributable to the position of Community Relations Specialist for fiscal year 2020-2021 shall come from the Unassigned Fund Balance.
5. That the Controller is authorized to make the appropriate budget adjustments 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, ALABAMA

ATTEST:

CITY CLERK

EXHIBIT "A"

CITY OF OPELIKA POSITION DESCRIPTION

Community Relations Specialist Opelika Police Department

Job Summary

This position is FLSA exempt (full-time). This is a civilian position that will work closely with the Chief of Police, Captain of the Community Relations/Special Services Division and the Opelika Community Relations Officer to coordinate, produce, implement, and manage the police department's overall communications and engagement strategies. This position impacts the relationship between the City and its residents through distribution of critical information and is responsible for promoting a positive public image, creating transparency, improving public engagement, and managing the impact of emergency and crisis situations. The position is responsible for marketing/public relations planning and implementation, creating promotional materials, interacting with City employees and the community, and the presentation of reports. Work is performed in coordination with the Captain of the Community Relations/Special Services Division. Work involves communication and direct contact with the media and public as well as extensive involvement with the technical aspects of producing various media and audio-visual material.

Minimum Qualifications

- Requires education or training equivalent to a bachelor's degree in communication, public relations, marketing, or a closely related field as determined by the hiring authority.
- Requires a valid State of Alabama Driver's License.
- Requires three years of related experience. A combination of education and experience may be adequate as determined by the hiring authority.
- Requires a working knowledge of graphic design using tools such as Adobe Creative Suite.
- Requires experience with video creation and editing.
- Any equivalent combination of education, experience and training which provides the required knowledge, abilities and skills may be considered as determined by the hiring authority.
- Applicants are required to submit to a background check as a condition of employment.

Essential Job Functions

- Responsible for the Opelika Police department's social media presence. Develops and distributes content for social media platforms. Monitors and responds to social media/online reputation.

- Communicates and exchanges information with the public via press releases and newspaper articles for the police department to promote interest and involvement in the community.
- Assists the Captain of the Community Relations/Special Services Division with formulating departmental messaging and media releases.
- Develops and maintains the Police department's web site and develops and implements ideas to ensure extensive exposure of the web site address.
- Develops and maintains videos for social media and website.
- Develops and maintains video creations for the Opelika Police department, social media, and websites.
- Performs research and market analysis activities as well as social media and website analytics.
- Builds and maintains a media list and database.
- Plans and organizes Police special events.
- Attends meetings in order to obtain or provide information relating to department plans, programs, procedures, and operations.
- Originates, plans, and composes news items, media articles, stories, daily police blotters (reports) for police staff and department.
- Communicates, engages, and builds relationships with the Opelika community.
- Organizes surveys to measure the condition of the Police department's relationship with the Opelika community.
- Contacts media representatives and coordinates all media coverage.
- Communicates with and responds to inquiries from Police employees, media, and the public regarding Police activities.
- Brands and manages the Opelika Police department brand and public image.
- Implements and executes Opelika Police policies related to community engagement and relations.
- The person in this position must possess normal or corrected visual acuity and color perception.
- Regularly attends work, to include special/public events and meetings which may occur during the evenings and/or on weekends.

Marginal Job Functions

- Travels to attend workshops, training seminars, and events to improve technical or professional skills.
- Moves about the office to access and transport files, publications, office materials, and supplies weighing up to 10 lbs.
- Operates a motor vehicle to transport self and supplies to and from city events and may experience exposure to vehicular traffic.

Employment Policy

The City of Opelika is an Equal Opportunity, Affirmative Action, and Americans with Disabilities Act compliant employer. We consider applicants for all positions without regard to race, religion, color, national origin, gender (including pregnancy, childbirth or related medical conditions), sexual orientation, gender identity, gender expression, age, parental status, status

as a protected veteran, status as an individual with a disability or any other legally protected status. In accordance with the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. 12131), the City of Opelika welcomes all reasonable requests for accommodations from prospective applicants. The City's ADA Coordinator can be reached at (334) 705-2083 or at ADA@opelika-al.gov.

RESOLUTION NO. 178-20

Authorize Fire Hydrant Rental Agreement with the Utilities Board of the City of Opelika.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING FIRE HYDRANT RENTAL AGREEMENT BETWEEN
THE CITY OF OPELIKA AND THE UTILITIES BOARD OF THE CITY OF OPELIKA**

WHEREAS, The Utilities Board of the City of Opelika, a public corporation (the “Board”) is the owner of a water distribution system (the “system”) which serves the City of Opelika (the “City”) and its residents; and

WHEREAS, fire hydrants form a part of and are connected to the system; and

WHEREAS, the City has requested that the Board rent to the City said existing fire hydrants and such additional fire hydrants as may be hereinafter installed and connected with the system; and

WHEREAS, a fire hydrant rental agreement (the “Agreement”) to be entered into between the City and the Board has been prepared and submitted to the City Council and the City Council has determined that it is in the best interest of the City and its citizens to approve said Agreement.

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

1. That the proposed Agreement to be entered into between the City and the Board, which is attached hereto marked exhibit “A”, be and the same as 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 said Agreement in the name and on behalf of the City and the City Clerk is hereby authorized and to attest the same.

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 attached Agreement.

4. That the annual rental payments for said fire hydrants shall be paid from the Fire Department Budget for each year this Agreement shall remain in full force and effect.

5. 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, ALABAMA

ATTEST:

CITY CLERK

AGREEMENT

RECITALS

WITNESSETH:

1. The Board hereby rents to the City one thousand, eight hundred fifty two (1852) fire hydrants now connected with the System and agrees to install, connect with the System, and rent to the City such additional fire hydrants as may be hereafter installed and connected with the System. The Board agrees to maintain all of the said hydrants now connected with the System and all hydrants that may be hereafter installed, as herein provided, in good operating condition

and to furnish through said hydrants such water as the City may require to be furnished therethrough for fire and street purposes in the City. The installation and maintenance provided for herein shall be at the expense of the Board.

2. The City agrees to pay the following sums as rental for said fire hydrants and for all water supplied through the same by the Board:

- a. For the aforesaid one thousand, eight hundred fifty two (1852) hydrants that are presently connected with the System, the sum of \$92,600.00 for each successive twelve-month period (said amount consisting of \$50.00 for each of said hydrants), such rental to be payable at the said twelve-month rate in substantially equal monthly installments on or prior to the last day of each successive calendar month beginning with the month during which this Agreement shall become effective; and
- b. For each hydrant that may be installed pursuant to the provisions of this Agreement, subsequent to the effective date thereof, an amount equal to \$50.00 for each successive twelve-month period, such rate in substantially equal monthly installments on or prior to the last day of each successive calendar month beginning with the month in which each such hydrant shall be so installed;

provided, that the hydrant rental payments due hereunder shall be payable only out of current revenues received by the City during the fiscal year in which such payments are due.

3. This Agreement shall become effective on October 1, 2020, and shall continue effective until the expiration of thirty (30) years, until and including September 30, 2050

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their corporate names and their respective corporate seals to be hereto affixed and attested by their duly authorized officers, in four counterparts, each of which shall be deemed an original, this the ____ day of _____, 2020.

CITY OF OPELIKA, ALABAMA

By: _____
ITS MAYOR

ATTEST:

CITY CLERK

THE UTILITIES BOARD OF THE
CITY OF OPELIKA, ALABAMA

By: _____
CHAIRMAN

ATTEST:

SECRETARY

RESOLUTION NO. 179-20

Special Appropriation to Chamber of Commerce, 20 Under Forty program.**RESOLUTION NO. _____**

WHEREAS, the entire Opelika City Council fully supports and appreciates the various services and programs that is being provided by the Opelika Chamber of Commerce, and

WHEREAS, the 20 Under 40 program is in need of contributions to assist in funding their program and activities for 2020-2021, and

WHEREAS, Council President pro-tem Patsy Jones Ward 1, Councilwoman Tiffany Pitts Ward 2, Councilman Dozier Smith T Ward 3, Council President Eddie Smith Ward 4 and Councilman David Canon Ward 5 wish to provide a special appropriation to assist in supporting the 2020-2021 Twenty Under Forty class.

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

1. That the City Council approves said request to provide a total of \$2,500.00 to the Opelika Chamber of Commerce, 20 Under 40 program.
2. That City Council members wish to provide \$500.00 each from their discretionary funds as detailed below with said funds to be used as explained in No. 1. above:

Patricia Jones	Ward 1	Reserve fund.	\$500.00
Tiffany Pitts	Ward 2	Current year acct.	\$500.00
Dozier Smith T	Ward 3	Reserve fund.	\$500.00
Eddie Smith	Ward 4	Reserve fund.	\$500.00
David Canon	Ward 5	Reserve fund.	\$500.00

3. That the Council hereby declares and determines that said expenditures of these public funds will serve a public purpose for the City of Opelika.
4. That the Mayor and the Controller is hereby authorized and directed to make a budget adjustment(s) to move a total of \$2,500.00 from the various accounts/funds as detailed in No. 2 above to the appropriate account(s).
5. The City Clerk-Treasurer is hereby authorized and directed to prepare the appropriate documents so a check for \$2,500.00 can be prepared and delivered

to the Opelika Chamber of Commerce with said funds earmarked for 20 Under 40 program.

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

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

Attest:

Russell A. Jones
City Clerk - Treasurer

RESOLUTION NO. 180-20

Special Appropriation to Chamber of Commerce, Lee County Young Leaders program.

RESOLUTION NO. _____

WHEREAS, the entire Opelika City Council fully supports and appreciates the various services and programs that is being provided by the Opelika Chamber of Commerce, and

WHEREAS, the Lee County Young Leaders is in need of contributions to assist in funding their program and activities for 2020-2021, and

WHEREAS, Council President pro-tem Patsy Jones Ward 1, Councilwoman Tiffany Pitts Ward 2, Councilman Dozier Smith T Ward 3, Council President Eddie Smith Ward 4 and Councilman David Canon Ward 5 wish to provide a special appropriation to assist in supporting the 2020-2021 class of the Lee County Young Leaders.

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

1. That the City Council approves said request to provide a total of \$2,500.00 to the Opelika Chamber of Commerce, Lee County Young Leaders program.
2. That City Council members wish to provide \$500.00 each from their discretionary funds as detailed below with said funds to be used as explained in No. 1. above:

Patricia Jones	Ward 1	Reserve fund.	\$500.00
Tiffany Pitts	Ward 2	Current year acct.	\$500.00
Dozier Smith T	Ward 3	Reserve fund.	\$500.00
Eddie Smith	Ward 4	Reserve fund.	\$500.00
David Canon	Ward 5	Reserve fund.	\$500.00

3. That the Council hereby declares and determines that said expenditures of these public funds will serve a public purpose for the City of Opelika.
4. That the Mayor and the Controller is hereby authorized and directed to make a budget adjustment(s) to move a total of \$2,500.00 from the various accounts/funds as detailed in No. 2 above to the appropriate account(s).
5. The City Clerk-Treasurer is hereby authorized and directed to prepare the appropriate documents so a check for \$2,500.00 can be prepared and delivered

to the Opelika Chamber of Commerce with said funds earmarked for the Lee County Young Leaders program.

ADOPTED and APPROVED this the _____ day of _____, 20.

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

Attest:

Russell A. Jones
City Clerk - Treasurer

RESOLUTION NO. 181-20

Special Appropriation to Opelika Learning Center for the Positive Behavior Dog Pound program.**RESOLUTION NO. _____**

WHEREAS, Mayor Fuller and the Opelika City Council appreciates and fully supports the various activities and programs of the Opelika School System, and

WHEREAS, the Opelika Learning Center is in need of additional funding to assist in covering the expenses for their Positive Behavior Dog Pound Program for their students, and

WHEREAS, all five Council members have agreed to contribute \$1,000.00 from their respective discretionary current year account or reserve fund.

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

1. That the City Council approves said request to provide a total of \$5,000.00 to the Opelika School System to assist in covering the various expenses for their Positive Behavior Dog Pound Program.
2. That City Council members wish to provide \$1,000.00 each from their discretionary funds as detailed below:

Patricia Jones	Ward 1	Reserve fund.	\$1,000.00
Tiffany Pitts	Ward 2	Current year acct.	\$1,000.00
Dozier Smith T	Ward 3	Reserve fund.	\$1,000.00
Eddie Smith	Ward 4	Reserve fund.	\$1,000.00
David Canon	Ward 5	Reserve fund.	\$1,000.00

3. That the City Council hereby declares and determines that the expenditure of these public funds will serve a public purpose for the City of Opelika.
4. The Mayor and the Controller is hereby authorized and directed to make a budget adjustment for \$5,000.00 from the various accounts/funds as detailed in No. 2. above to the appropriate account(s).

5. The City Clerk-Treasurer is hereby authorized and directed to prepare the appropriate documents so that a check for \$5,000.00 can be prepared payable to Opelika School System and earmarked for the Opelika Learning Center.

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

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

Attest:

Russell A. Jones
City Clerk - Treasurer

MARK D. NEIGHBORS
SUPERINTENDENT
KENNETH BURTON
ASST. SUPERINTENDENT
JEAN PRESTON MILLER
ASST. SUPERINTENDENT
CHRIS HARRISON
CHIEF FINANCIAL OFFICER



BOARD OF EDUCATION
J. KEVIN ROYAL, M.D.
CHAIRMAN
ANTHONY T. HARVIS
PATSY BOYD PARKER
CHARLES D. BEAMS, JR.
TIPI MILLER

13.21.a

July 31, 2020

Honorable Mayor Gary Fuller
Honorable Councilman Eddie Smith
Honorable Councilwoman Patricia Jones
Honorable Councilwoman Tiffany Gibson- Pitts
Honorable Councilman David Canon
Honorable Councilman Dozier Smith T

Opelika City Hall
Post Office Box 390
204 South 7th Street
Opelika, AL 36803-0390

First, let me thank you for your continual support of the students in Opelika City Schools and in particular the Opelika Learning Center. Your support of our Positive Behavior Plan has made a huge difference in student performance and conduct.

Therefore, I am writing you again this year to ask for your support with our Positive Behavior Plan for the students at the alternative learning center in Opelika. With your continual support, we will be able to use our behavior system to encourage and motivate students to be successful at their regular schools.

Our goal for this behavior system is to help students understand that, just as there are negative consequences for not following the rules, there are positive consequences for following the rules. Whereas, most school rules emphasize negative consequences, our new system will emphasize positive consequences of making positive choices. We have only five positive rules that we are using in our school this year: Be Safe; Be Punctual; Be Respectful to all; Follow Direction and Complete Assignments. Students are given a point sheet each day and they can earn an academic and a social point in each class each day. Points are to be earned and not given. This puts the responsibility on the student (not the teacher) for points earned or not earned. Students must have at least 9 out of 10 points each day for four days each week to earn their way to the DOG POUND. The DOG POUND is the incentive we use to inspire students to make positive behavioral choices to receive positive consequences. In the DOG POUND, students are awarded each Friday with gifts and treats for making these positive behavioral choices.

It is the DOG POUND where we need your help to keep it supplied with positive things that the student can receive when they earn their way to the DOG POUND. Again, this year **please join me in this effort by supporting this project with a donation of \$1,000.00 each.** Thanks in advance for the liberal donation for the continuous efforts of our Opelika City Schools to educate every child every day.

Sincerely,

Steven P. Carson
Director of Alternative Education & Student Services
Principal Opelika Learning Center

P.O. BOX 2469 OPELIKA, AL 36803-2469
PHONE 334-745-9700 FAX 334-745-9706

Attachment: Positive Behavior Dog Pound Program Letter (181-20 : Special Appropriation to Opelika Learning Center for the Positive Behavior

RESOLUTION NO. 182-20

ADECA Grant Application for Youth Incarceration Prevention Program.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION
TO ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS
FOR YOUTH INCARCERATION PREVENTION PROGRAM FUNDING
FOR THE PERIOD FROM OCTOBER 1, 2020 TO SEPTEMBER 30, 2021**

WHEREAS, the City of Opelika, Alabama (the “City”) is interested in establishing a Youth Incarceration Prevention (“YIPP”) Program; and

WHEREAS, the main goals of the YIPP Program are to:

- Implement a community program that helps youth offenders change their behavior and develop their coping skills, thereby reducing recidivism;
- Provide training and employment services, comprehensive screening services, behavioral health and other supportive services, to program participants;
- Develop training and employment opportunities to encourage youth offenders to enter professions and/or to provide relevant skills that will help youth offenders enter career pathways and earn wages in demand occupations; and

WHEREAS, ADECA recently awarded the City a \$28,000 grant to fund the City’s Pilot YIPP Program; and

WHEREAS, the Alabama Department of Economic and Community Affairs (“ADECA”) is soliciting proposals for YIPP Program funding for the period from October 1, 2020 to September 30, 2021; and

WHEREAS, the City is eligible to apply for YIPP Program funding through ADECA; and

WHEREAS, the ADECA YIPP full year program grant in the amount of \$50,000 does not require a local match.

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

1. That the Mayor is hereby authorized to execute and submit to ADECA an application for YIPP Program grant funds for the period from October 1, 2020 to September 30, 2021 in the approximate amount of \$50,000.

2. After approval of said application, the Mayor is hereby authorized and directed to execute a grant agreement with ADECA and to carry out and to comply with the terms of the grant agreement.

3. That the City hereby agrees to accept the grant funds and to comply with the terms of the grant as well as all applicable laws and regulations as stated in the grant agreement.

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

5. 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, ALABAMA

ATTEST:

CITY CLERK

ORDINANCE NO. 018-20-ORD

Request for Annexation, 11.3 acres at the 3800 Block of Hamilton Rd - 2nd Reading.

ORDINANCE NO. _____

**ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS
OF THE CITY OF OPELIKA**

(11.3 acres located at the intersection of Flintwood Lane and Hamilton Road)

WHEREAS, on the 1st day of July 2020, David G. Fichtner, (hereinafter referred to as the “Petitioner”) being the owner of the property hereinafter described, did file a Petition for Annexation (the “Petition”) with the City of Opelika, Alabama, a municipal corporation, a copy of which is attached hereto as Exhibit “A”, requesting the annexation of certain property owned by the Petitioner as more particularly described below; and

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

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

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

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

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

Section 2. The boundary lines and corporate limits of the City of Opelika, Alabama be, and the same are, hereby altered, rearranged, and extended to include within corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Lot 4, Willie Bryant Subdivision, according to and as shown by map or plat of said subdivision of record in Town Plat Book 11, at Page 45, in the Office of the Judge of Probate of Lee County, Alabama

The above described parcel contains 11.3 acres more or less and is located at the intersection of Flintwood Lane and Hamilton Road (the 3800 Block of Hamilton Road)

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____, 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

EXHIBIT "A"

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

STATE OF ALABAMA

LEE COUNTY

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

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

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

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

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

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

RESPECTFULLY SUBMITTED this the 15th day of July, 2020.

NOTARY SIGNATURES

Before me, Tim Brown,
 a Notary Public in and for said County and State, hereby
 certify that David Fichtner,
 whose name is signed to the foregoing petition as
 _____ [President, Chairman, etc.]
 of _____,
 [Corporation, City], and who is known to me, acknowledged
 before me on this date that he executed the same voluntarily
 for and as the act of said corporation, being duly authorized
 to do so, all on the day they say bears date. Given under
 my hand and official seal of office this the
 _____ day of _____,

 Notary Public

 (print name)

 (address)

 (city, state, zip)

BY: _____
 (signature)

ITS: _____
 (title)

DATE: _____

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

 Notary Public

 (Signature)

 (print name)

 (mailing address)

DATE: 7/1/2020

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

 Notary Public

 (Signature)

 (print name)

 (mailing address)

DATE: _____

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

 Notary Public

 (Signature)

 (print name)

 (mailing address)

DATE: _____

THIS INSTRUMENT PREPARED BY:
 GERALD A. MATTSON, JR.
 MUNCIE & MATTSON, P.C.
 P.O. BOX 3208
 AUBURN, ALABAMA 36831
 (334) 821-7301

2599 412
 Recorded in the Above
 DEEDS Book & Page
 06-04-2020 11:28:14 AM
 Bill English - Probate Judge
 Lee County, AL
 Book/Pg: 2599/412
 Term/Cashier: CHPJDSK12 / JB
 Tran: 23222.338994.452415
 Recorded: 06-04-2020 11:28:24
 NTX NO TAX COLLECTED
 REC Recording Fee
 Total Fees: \$ 15.00

1.00
 14.00

WARRANTY DEED

STATE OF ALABAMA)
 COUNTY OF LEE)

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of TEN (\$10.00) DOLLARS, and other good and valuable consideration, to the undersigned, **Gwen Cooper Simon, a married woman** (hereinafter referred to as Grantor), in hand paid by **David G. Fichtner** (hereinafter referred to as Grantee), the receipt and sufficiency whereof are hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey unto Grantee that certain parcel of real estate situated in Lee County, Alabama, being more particularly described as:

Lot 4, Willie Bryant Subdivision, according to and as shown by map or plat of said subdivision of record in Town Plat Book 11, at Page 45, in the Office of the Judge of Probate of Lee County, Alabama.

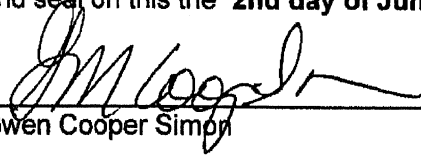
This conveyance and the warranties hereinafter contained are made subject to any and all easements, covenants, and rights-of-way of record in said county affecting said described property.

None of the above constitutes the homestead of the Grantor herein or her spouse.

TO HAVE AND TO HOLD unto said Grantee, his heirs and assigns, forever.

AND THE SAID GRANTOR, does for herself, her heirs and assigns, covenant with the said Grantee, his heirs and assigns, that she is lawfully seized in fee simple of said premises, that it is free from all encumbrances except as stated above, that she has a good right to sell and convey the same as aforesaid, and that she will, and her heirs and assigns shall, warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims of all persons.

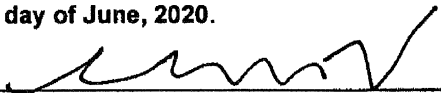
IN WITNESS WHEREOF, the said Grantor, **Gwen Cooper Simon**, hereto sets her signature and seal on this the **2nd day of June, 2020**.


Gwen Cooper Simon

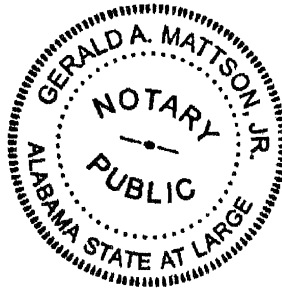
STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned, a Notary Public, in and for said County, in said State, do hereby certify that **Gwen Cooper Simon**, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, she executed the same voluntarily on her own behalf on the day the same bears date.

Given under my hand and official seal this the **2nd day of June, 2020**.

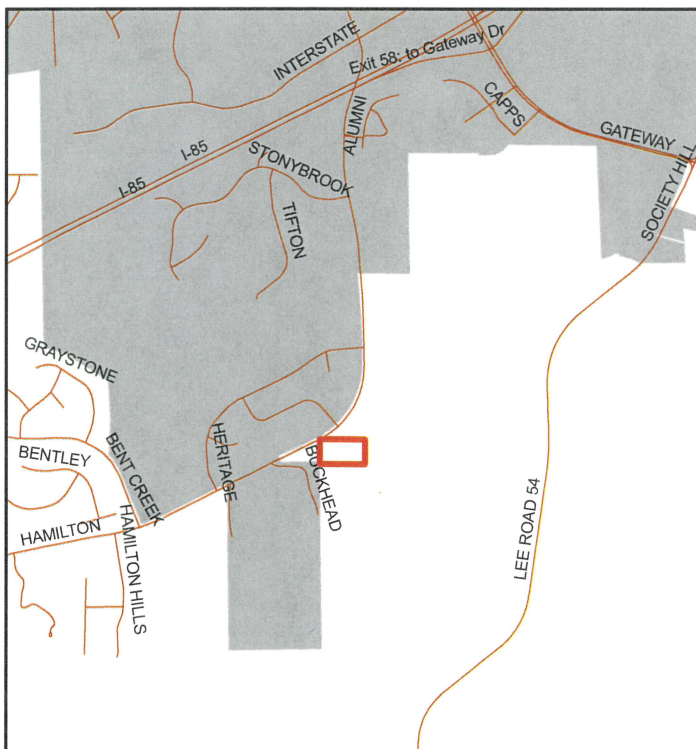
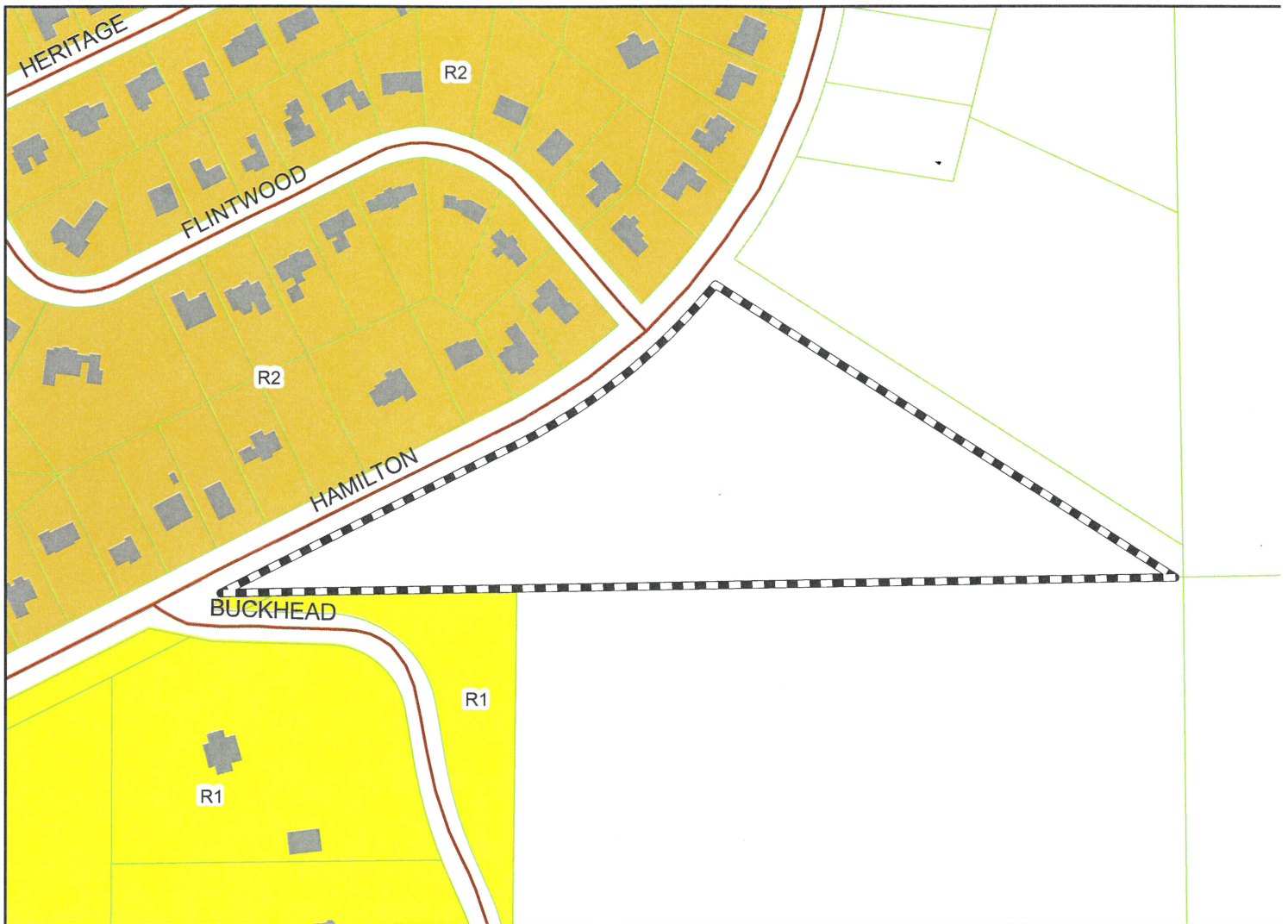

NOTARY PUBLIC Gerald A. Mattson, Jr.
My Commission Expires: October 12, 2022

Send Tax Notice to:
1964 Stoneridge Drive
Auburn, AL 36830



Attachment: Exhibit A - David Fichtner Petition, Legal Description (018-20-ORD : Request for Annexation, 11.3 acres at the 3800 Block of

**EXHIBIT B
DAVID FICHTNER ANNEXATION
3800 BLOCK HAMILTON ROAD**



The applicant is petitioning to annex 11.3 acres. A R-1 zoning district is requested. The property will be subdivided into six lots for single family home



Subject Property

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

City of Opelika Planning Commission Report

Action Requested:	Annexation and Zoning
Location of Property:	3800 block of Hamilton Road
Property Owner:	David Fichtner
Current Zoning:	PJ (Planning Jurisdiction)
Proposed Zoning:	R-1
Existing Land Use:	Undeveloped
Adjacent Zoning/Land Use:	North: R-2, (City limits) South: R-1, (City limits) East: Planning Jurisdiction (PJ) West: R-2, (City limits)

Staff Comments:

The applicant is requesting annexation for 11.3 acres to be divided into 6 lots for single family use. This property begins near the entrance to Buckhead Lane and ends across the street from Flintwood Lane. The property is adjacent from the southern city limits line across Hamilton Road and along Buckhead Lane. The property is currently vacant. The primary reason for annexation is the property owner would like to develop these lots into 6 single family home in Opelika.

Section 5.3 of the City of Opelika Zoning Ordinance states that all properties annexed into the City will receive an R-1 zoning designation. An R-1 zone is requested.

Staff recommends the Planning Commission send a positive recommendation to City Council to annex the 11.3 acres proposed to be divided into 6 lots and zone the property R-1.

At the July 28th meeting, the Planning Commission voted 5 to 0 (one abstain) to send a positive recommendation to City Council to annex 11.3 Acres; the zoning district requested and recommended by the Planning Commission is R-1.

ORDINANCE NO. (ID # 4211)

Amend Zoning Ordinance Section 2.2, 7.3; Add Section 8.28, 8.28.1. - 1st Reading

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING

ORDINANCE OF THE CITY OF OPELIKA BY AMENDING SECTION 2.2
“DEFENITIONS” TO ADD DEFINITIONS FOR “CONSUMER SHOPPING GOODS”,
“GROVERY STORE”, AND “SMALL BOX DISCOUNT STORE” AND; TO AMEND
SECTION 7.3C “USE CATEGORIES” TO PROVIDE FOR ZONING DISTRICTS WHERE
“CONSUMER SHOPPING GOODS”, “GROCERY STORES”, AND “SMALL BOX
DISCOUNT STORES” ARE ALLOWED OR ALLOWED BY CONDITIONAL USE PERMIT;
TO ADD SUBSECTION 8.28.1 “SMALL BOX DISCOUNT STORE” TO PROVIDE
DEVELOPMENT STANDARDS FOR SMALL BOX DISCOUNT STORES, PROVIDING A
SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING FOR
PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Opelika (the “City”) currently has nine small box discount stores; and

WHEREAS, Small box discount stores typically offer mostly inexpensive, energy-dense, low-nutritive foods and beverages rather than fresh, nutritious foods, and;

WHEREAS, Opelika residents face increasing threats to sufficient access to fresh and nutritious food, and residents typically have more access to small box discount stores and convenience stores than to nutritious food; and

WHEREAS, the City Council desires to promote access to healthy food options in underserved neighborhoods by regulating small box discount stores; and

WHEREAS, a good mix of food retail has the potential to revitalize neighborhoods and improve access to a healthy diet, particularly for populations in underserved areas;

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

Section 1. **Adoption of recitals:** That the foregoing recitals and findings in the preambles and each of them, are hereby adopted and are hereby incorporated by reference as if set forth in full.

Section 2. **Amendment of Section 2.2 of the Zoning Ordinance:** That section 2.2 “DEFINITIONS” of Ordinance Number 124-91 (entitled “Zoning Ordinance of the City of Opelika”) adopted on September 17, 1991, as amended (hereinafter referred to as “Zoning Ordinance” or “Zoning Code”) is further amended to add the following definitions of “Consumer Shopping Goods”, “Grocery Store” and “Small Box Discount Store” :

Section 2.2 Definitions

Consumer Shopping Goods: Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, record stores, toy stores, sporting goods stores, video stores, musical instrument stores, , office supplies and office furnishing stores and wig shops. Does not include small box discount stores or grocery stores

Grocery Store: A retail store where a minimum of 50 percent of the floor area or more than 25,000 square feet of floor area is devoted to food items including, but not limited to, fresh produce, fresh meats, fresh dairy products and prepackaged foods. A principal use grocery store may include an accessory use pharmacy, restaurant or dining area for on-premise consumption of food and beverage items.

Small Box Discount Store: Retail sales uses with floor area less than 14,000 square feet that offer for sale a combination and wide variety of small and inexpensive convenience shopping goods and consumer shopping goods. Small box discount stores do not include retail stores that:

- (1) dedicate at least 15% of shelf space to fresh or fresh frozen food;
- (2) dedicate less than 2% of shelf space to food of any kind;
- (3) contain a prescription pharmacy, or
- (4) offer for sale gasoline or diesel fuel

Section 3. **Amendment of Section 7.3C of the Zoning Ordinance.** That section 7.3C

“Use Categories” of the Zoning Ordinance is hereby further amended to provide for “Consumer Shopping Goods”, “Grocery Stores” and “Small Box Discount Stores” in the matrix table and the pertinent portion of the table be and the same is hereby amended to read as follows:

USES	DISTRICTS															
COMMERCIAL	R-1	R-1A	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Consumer Shopping Goods	N	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
Grocery Store	N	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
Small Box Discount Store	N	N	N	N	N	N	N	N	C	C	C	C	N	N	C	C

Section 4. **Amendment to Section VIII of Zoning Ordinance.** That Section VIII,

“GENERAL REGULATIONS”, of the Zoning Ordinance is hereby amended by adding a new subsection to be numbered 8.28.1, which said subsection shall read as follows:

“Section 8.28.1 **Small Box Discount Stores**

A. Purpose and Intent

The purpose and intent of this section is to regulate the continued growth and development of small box discount stores, promotes greater diversity of retail options and convenient access to fresh fruits, vegetables, meat and dairy foods. The number of small box discount stores have increased over the last decade. Many of these stores are in close proximity to each other. While it is recognized that small box discount stores may be the only convenient source of some food items for people in areas underserved by traditional grocery stores, it is also recognized that small box variety stores offer limited healthy fresh food options, especially when it comes to

fresh fruits and vegetables and fresh or frozen meats. A good mix of food retail has the potential to revitalize neighborhoods and commercial centers and improve access to a healthy diet, particularly for populations in underserved areas.

Most of these stores are located in areas classified by the United States Department of Agriculture as food deserts. The City of Opelika desires to continue to allow the presence of small box discount stores, but it is also necessary to regulate them and to encourage stores to offer more healthy fresh food options. **These** regulations will promote the efficient use of land and resources in the City of Opelika, AL, and are necessary to protect the health, safety, and welfare of the citizens of Opelika. The City of Opelika will accomplish this by assessing the food retail environment based upon an evaluation of the subject retail landscape at the time of a zoning application

B. Use Standards and Dispersal Requirements

- 1) Small box discount stores are prohibited unless the proposed use is located more than 5,280 feet from another small box discount store, within or outside the City of Opelika corporate boundaries. The separation distances shall be measured in a straight line from property line of the small box variety store to the property line of the other use.
- 2) Small box discount stores are prohibited unless the proposed use is located more than 200 feet from any property used primarily for a single-family residence. The separation distances shall be measured in a straight line from property line of the small box discount store to the property line of the residential use.
- 3) Incidental outdoor display is prohibited at all small box discount stores.
- 4) All refuse, recycling or other waste shall be located behind the front plane of building and shall be completely screened from view by a solid opaque fence or structure. This requirement shall apply to both the front and side of building located adjacent to a street.
- 5) If located at least 5,280 feet from another Small box discount store, this use is permitted by conditional use permit ("CUP") only. In addition to the criteria for a CUP set forth in Section 8.17, when reviewing a request for CUP for a small box discount store use, the Planning Commission shall consider:
 - a. Whether the proposed small box discount store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
 - b. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.
 - c. Whether the proposed use is within a food desert, as defined by the United States

Department of Agriculture at the time of application.

- 6) A CUP approved under this section must stipulate that a minimum of 15 percent of the floor area of the Small box discount store must be dedicated to fresh produce, meat and dairy products.
- 7) A nonconforming small box discount store in existence prior to approval of this amendment, may relocate on the same parcel or within the same shopping center that it currently exists without obtaining a CUP provided the nonconforming small box discount store has not been terminated as provided in Section 8-20, Non-conforming Uses and Non-conforming Structures of the zoning ordinance and the use complies with all other applicable regulations.

Section 5. **Severability.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in or of itself invalid or unconstitutional.

Section 6. **Repeal of Conflicting Ordinances.** Any ordinance or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 7. **Effective Date.** This ordinance shall take effect and be enforced immediately upon its adoption and publication as required by law.

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

Section 9. **Codification.** Codification of this Ordinance in the Zoning Ordinance of the City of Opelika, Alabama, is hereby authorized and directed.

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 # 4216)

Amend Zoning & Ord Map: Rezoning, 21.9 Acres, 3001 Hi Pack Drive - 1st Reading.

ORDINANCE NO. _____

**ORDINANCE TO AMEND THE ZONING ORDINANCE AND
ZONING MAP OF THE CITY OF OPELIKA**

(The Villages of Opelika 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) QOZB1, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Villages of Opelika PUD” consisting of approximately 21.92 acres.
- (b) The proposed development is located in a R-5 District (High Density Residential District) and is located at 3001 Hi Pack Drive between Hi Pack Drive and King Street.
- (c) The development Plan provides for 94 single family homes, 34 twin homes/town homes, and 20 small bungalows. The overall density for the development is 6.75 units per acre. An amenity area will include a dog park, recreational facilities, and approximately 3.2 acres of open space.
- (d) The Planning Commission heretofore conducted a public hearing on the proposed development and referred to the City Council its recommendation to approve the proposed development.

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

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

Section 3. DESIGNATION OF PLANNED UNIT DEVELOPMENT. The Official Zoning Map of the City is hereby amended and the zoning classification for the following parcel of land shall be changed from a R-5 District (High Density Residential District) to a Planned Unit Development (“PUD”) on the Official Zoning Map:

Parcel - B and Parcel - C, HIPACK PARK, according to and as shown by that certain map or plat thereof of record in Town Plat Book 10, at Page 134, in the Office of the Judge of Probate of Lee County, Alabama.

The above described property containing 21.92 acres is located at 3001 Hi-Pack Drive between Hi Park Drive and King Street.

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____, 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. 019-20-ORD

Grant a Non-Exclusive Franchise to the Utilities Board of the City of Opelika - 1st Reading.

ORDINANCE NO. _____

**ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO THE
UTILITIES BOARD OF THE CITY OF OPELIKA FOR THE PURPOSE OF
CONSTRUCTING, MAINTAINING AND OPERATING A WATER SYSTEM WITHIN
THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF OPELIKA, ALABAMA**

WHEREAS, The Utilities Board of the City of Opelika (the “Board”) is a public corporation organized and existing under Article 9 of Chapter 50 of Title 11 of the *Code of Alabama*, 1975, as amended; and

WHEREAS, the Board has requested to renew its franchise with the City of Opelika, to construct, erect, install, renew, repair, maintain and operate a water works plant and water distribution system for the distribution and/or sale of potable water to its customers within the corporate limits of the City of Opelika; and

WHEREAS, the City of Opelika is willing to grant said franchise upon the conditions set forth herein.

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

Section 1. Define terms.

For the purposes of this agreement, the following terms, words and phrases shall have the meaning set forth below. When not inconsistent with the context, words used in the singular number shall include the plural number and words in the plural number shall include the singular.

1.01 “City” means the City of Opelika, Alabama.

1.02 “Governing body” or “City Council” means the City Council of the City of Opelika, Alabama.

1.03 “Board” means The Utilities Board of the City of Opelika, Alabama.

1.04 “Person” means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, sole proprietorship, political subdivision, public or private agency of any kind, utility, successor or assign of any of the foregoing or any other legal entity.

1.05 “Rights-of-way” means the surface or space above or below any public street, boulevard, road, highway, freeway, lane, alley, sidewalk, parkway, driveway, public ways or other public rights-of-way, including public utility easements, dedicated utility strips or rights-of-way dedicated for comparable uses held by the City are located within the City which, by virtue of the authority granted by the Constitution and statutes of the State of Alabama, shall entitle the City and the Board to use the same for the purpose of installing, operating, repairing and maintaining of the system.

1.06 “Streets” mean the public streets, lanes, alleys, courts, boulevards and highways in the City as they now exist, or as they may be established at any time during the term of this franchise.

1.07 “System” means a system of pipes, mains, distribution lines, pump stations, meters, valves, conductors, equipment, fixtures and all other related facilities associated with the operation of the Board’s distribution of water to customers or consumers in the City.

1.08 “Water” means potable drinking water.

Section 2. Granting authority.

2.01 The City hereby grants to the Board the non-exclusive right, privilege, authority and franchise to use the rights-of-way located within the City limits of Opelika, Alabama, which use shall include the right to construct, install, maintain and operate a water system, including

pipes, mains and other conductors, fixtures and related appurtenances in the rights-of-way within the corporate limits of the City of Opelika, Alabama. The franchise granted by this ordinance is not exclusive and nothing in this ordinance shall be construed as giving the Board any exclusive right as to any of the privileges and authority granted.

Section 3. Duration and term.

3.01 The franchise granted hereunder shall be for a period of thirty (30) years commencing on the effective date of this ordinance as defined in Section 14. Other than a successor organization resulting from the sale or purchase of assets the Board shall not transfer or sublease any space at its facilities occupied or have occupied pursuant to this ordinance.

Section 4. Grant of non-exclusive authority.

4.01 The right to use the rights-of-way for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant the use of said rights-of-way to any person at any time and for any lawful purpose. The City agrees not to exercise this right in a manner which would unreasonably interfere with the Board's water distribution lines and associated facilities and equipment. This ordinance shall not be construed to create any rights beyond the terms, conditions and periods set forth in this ordinance.

Section 5. Reservation of regulatory and police powers.

5.01 The City, by granting this franchise, does not surrender or to any extent lose, waive, impair or lessen the lawful powers, rights, regulatory power, police power or otherwise now, or which may be, hereafter, vested in the City and the Constitution and statutes of the State of Alabama to regulate its use of its rights-of-way.

Section 6. Location, structures, construction

6.01 Location approved for existing facilities. The location and configuration of the existing facilities of the Board over, along and under the streets, avenues, alleys, highways, bridges, viaducts and other public ways within the City are hereby approved and the same shall be repaired, maintained and operated under and subject to the provisions of this ordinance.

6.02 Placement of future facilities. All facilities hereafter installed shall be so placed and all work in connection with such installation shall be so performed as to minimally interfere with ordinary travel on the streets, avenues, alleys, highways, bridges, viaducts and other public ways of the City or with any pre-existing municipal sewer pipes, drains or power lines then in place. In case of any street construction, change of width, change or establishment of street grade, installation of sewers, drains, or power lines, or any other type of structural improvements by the City or City agencies in any street or alley (collectively “City Facilities”), the Board, provided it is notified thereof in writing as far in advance as reasonably possible including being notified of any predesign and/or construction meetings and/or conferences, but in all events at least thirty (30) days prior to the commencement thereof, shall change its facilities so as to conform thereto. The City agrees to work with the Board so that if it is possible to modify the design of City Facilities without materially increasing the cost thereof in a way that will substantially reduce the cost of relocating the Board’s facilities, the design of City Facilities will be so modified. The Board shall make such reasonable changes to its facilities without charge to the City, provided however that if the project is one for which the Board would otherwise be eligible for reimbursement of relocation expenses pursuant to Alabama Code Section 23-1-5 or common law, the Board shall be reimbursed. The tops of all vaults and manholes utilized by the Board within the City shall present an even surface with that pavement at the time and point where laid, and, upon receiving compensation from the City, shall cause to be lowered or raised by the Board to conform to the top of paving or improvement as required by the governing body of the City whenever the grade of the public way in which any such vaults or manhole is located may be at any time hereafter lowered or raised.

6.03 Approval of City. The construction and installation of any of the Board’s facilities provided for in Section 2, or any material change thereof, including the extension, reduction or removal of any of these facilities shall be subject to the approval of the City, which approval shall not be unreasonably withheld. Such approval process shall be as follows: The Board shall place on file with the City prints, plans and/or maps (as appropriate) showing the proposed location of any facilities to be constructed or installed, the location of any water mains to be constructed or installed, and the number of manholes or other openings necessary to gain access to water mains and none of the facilities so provided for shall be constructed or installed in or under any public way, until a permit therefor is issued by the City, which permit shall indicate the reasonable and lawful time, manner and place of constructing or installing any such facilities (the “Permit”). The parties hereto recognize that in certain circumstances where public safety, protection of property or the viability of the water system is of immediate concern, emergency installation or repairs may be required prior to receiving a final permit.

6.04 The City’s right to inspect. The facilities of the Board shall be constructed (i) in accord with the Permit and (ii) in accord with all applicable state and federal regulations. The

City reserves the right, at its discretion, to make physical on-site inspections of the Board's distribution system located within the City rights-of-way to monitor compliance with the Permit at time of construction, and the Board shall correct or substantially correct any default or noncompliance with the Permit.

6.05 Disturbance of ground by the Board. The Board, after doing any excavating, shall leave the surface of the ground in a neatly graded condition. All sidewalks, parkways or pavement disturbed by the Board shall be restored by it to as reasonably practicable a condition as possible before such sidewalks, parkways or pavement were disturbed by it, and in the event such sidewalk, parkway or pavement shall become uneven, unsettled or otherwise requires repairing because of such disturbance by the Board, then the Board, as soon as climactic conditions will permit, shall promptly upon receipt of notice from the City, cause the sidewalk, parkway or pavement to be repaired, or restored to as reasonably practicable a condition as possible before the sidewalk, parkway or pavement was disturbed by the Board. The Board shall keep all facilities which it shall construct by virtue of this ordinance in reasonably safe condition at all times and shall maintain those barriers and danger signals during the condition, repair or renewal work performed hereunder as will reasonably avoid damage to life, limb and property.

6.06 Compliance with City ordinances, rules and regulations.

All facilities or equipment of the Board to be laid, constructed, erected, installed or repaired in, upon, along, across, under or over the streets of the City, or removed from the streets of the City pursuant to the provisions of this ordinances, shall be laid, constructed, erected, installed, repaired or removed in accordance with the ordinances, rules and regulations of the City now or hereafter adopted or prescribed, except where in conflict with the terms of this franchise, state law or other governmental authority.

6.07 Maintenance and service calls.

The Board shall provide continuing maintenance and servicing or replacement of all facilities for the term of this franchise. The Board shall respond to and resolve customer complaints or requests for service in connection with repairs, maintenance and malfunctions of system facilities. The Board shall respond as quickly as possible to such complaints and requests. The Board shall keep records it considers appropriate and advisable in connection with inquiries, complaints and requests in connection with the system.

Section 7 Removal of fixtures upon abandonment

7.01 Upon abandonment of its distribution system and, if required by applicable state or federal safety regulation, the Board shall remove all facilities herein authorized and restore the public way. The restoration of the public way shall be performed under the supervision and to the satisfaction of the City and in accordance with local ordinances without cost or expense to the City. If such removal is not required by state or federal safety regulations, the Board may elect to abandon its distribution in place in accordance with applicable state or federal safety rules and regulations.

Section 8 Rights of Others

8.01 The consent, permission and authority herein granted are not intended to limit or modify any franchise, license or permit previously granted by the City to any other occupant of the public ways. Therefore, the Board, recognizing the prior rights of other franchisees, licensees and permittees in the public way, shall exercise the authority herein granted in such manner as not to unlawfully interfere, endanger or impair the prior or future rights of other franchisees, licensees and permittees in the public way. Prior franchisees, licensees or permittees shall also, in like manner, respect the rights and not interfere with the rights of the Board. The Board shall abide by all current applicable federal, state and municipal regulatory standards.

Section 9. Insurance.

9.01 The Board shall secure and maintain for the term of this Franchise Agreement, public liability, property damage and umbrella liability insurance coverage in at least the following amounts:

1. Public Liability: \$1,000,000.00 per person per occurrence.
2. Liability for Damage to Property of Others: \$1,000,000.00 per any one claim
3. Umbrella Liability: \$5,000,000.00

9.02 Certificates of insurance. It shall be the duty of the Board to furnish the City certificates of insurance coverage (certificate of insurance) for the amounts and for the purposes specified hereunder for both public liability and property damage that may result from the granting of this franchise. The Board must furnish the City a certificate of insurance which names the City as an additional insured, and also clearly indicates that the privilege being

granted by this ordinance is appropriately covered by the insurance. Likewise, certificates evidencing renewal of insurance must be furnished to the City no later than thirty (30) days prior to the expiration of the policy. The aforementioned insurance coverage shall be maintained at all times by the Board until the system described in this ordinance is removed and the public ways are restored as herein required.

Section 10. Indemnification.

10.01 To the fullest extent permitted by law, the Board shall, at all times, defend, indemnify, protect and save harmless the City, the City Council, the Mayor, its officers, agents, servants and employees from and against all claims, losses, causes of action and suits, which may be asserted against the City and the others named herein arising out of or resulting from the conduct of the Board or its officers or employees with respect to the construction, operation, maintenance, repair or removal of the System as defined herein. It is understood and agreed that in no event will the Board indemnify, defend or hold harmless the City, its officers or employees for claims, losses, causes of action or suits arising from acts or omissions of the City, its officers, employees, representatives, agents or contractors. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees and expert witness fees are included as those costs which may be recovered by the City.

Section 11. Assignment.

11.01 The Board's interest in this Franchise Agreement shall not be sold, assigned, transferred or otherwise disposed of without the prior written consent of the City Council, which shall not unreasonably be withheld.

Section 12. Rules of construction.

12.01 The parties hereto acknowledge that each party has had the opportunity to review and revise this agreement, and the normal rule of construction to the effect that any ambiguities are resolved against the drafting party shall not be employed, in the interpretation of this agreement or any amendments or exhibits thereto.

Section 13. Governing law.

13.01 This Agreement shall be deemed to have been made in the State of Alabama and the validity of the same, its construction, its interpretation, its enforcement and the rights of the parties hereunder shall be determined under, governed by and construed in accordance with the substantive laws of the State of Alabama, without giving effect to any choice of law provisions arising thereunder.

Section 14. Publication of Ordinance and acceptance of franchise.

14.01 This Ordinance shall be published in synopsis form in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama, pursuant to Section 11-45-8(b)(2), *Code of Alabama*, (1975 as amended). Such publication shall be affected by the City Clerk, and the expenses thereof shall be paid by the Board. After such publication shall have been made, the City Clerk shall enter upon the minutes of the City Council immediately after the place where the ordinance is recorded, his certificate setting forth the time and manner of publication thereof. The Board shall, not later than thirty (30) days after the completion of the publication of this ordinance, file with the City Clerk a written acceptance thereof; and this ordinance shall take effect on the thirty-first (31st) day next after the final publication thereof as herein above provided for (the "Effective Date"), and on and after such Effective Date this ordinance shall constitute a contract between the City and the Board, its successors and assigns. The acceptance by the Board of this Franchise Agreement in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the City to the Board covering the distribution of water in the City.

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