



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
300 Martin Luther King Blvd.
December 15, 2020
TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:01 pm and asked Mr. Jones to call the roll.

2. Roll Call

Ms. Norris, Dr. Lofton, Mr. Rauch, and Mr. Smith were present. Mr. Allen and Mayor Fuller were absent.

1. George Allen, Erica Norris, Robert Lofton, Todd Rauch, Eddie Smith

3. Invocation

Mr. Tippet spoke about the work Christian Care Ministries does for the community, especially during the holidays, distributing food and clothes to those in need and thanked the council for their support. Mr. Tippet then provided the invocation.

1. Tom Tippet from Christian Care Ministries.

4. Pledge of Allegiance

Drew Hess, Andrew Mills and Zayne Lackey from Boy Scout Troop 858 led the Pledge of Allegiance.

1. Drew Hess, Andrew Mills and Zayne Lackey from Boy Scout Troop 858.

5. Reading of Minutes

1. Minutes from the 12-1-20 council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Todd Rauch, Council Member
SECONDER:	Robert Lofton, Council Member
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

2. Minutes from the 12-11-20 special meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Todd Rauch, Council Member
SECONDER:	Robert Lofton, Council Member
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

6. Unfinished Business

7. Remarks By the Mayor

President Smith asked Mr. Motley to present the Mayor's remarks due to the Mayor being out of town.

1. City's Financial Summary Report for November 2020.
Mr. Motley presented the financial summary report.

2. November 2020 Monthly Building Report.
Mr. Motley also presented the monthly building report.

8. Citizen Communications

Billy Allen, President of the Lee County NAACP branch 5038, spoke first. Mr. Allen stated the NAACP branch 5038 would draft a resolution in support of the Lee County remembrance project placing a marker in downtown Opelika and also commended the job of those in charge of the Lee County remembrance project.

Brandon Fincher of 308 Martha's Court spoke next. Mr. Fincher voiced his concern about the tax abatement for Mando America Corporation on the agenda. Mr. Fincher began by thanking Mando for being located in Opelika and the jobs they provide for the community. Mr. Fincher stated the previous council approved a ten year tax break on local property taxes and a fifteen year tax break on ad valorem taxes for a Mando project that only created 3 new jobs last year. Mr. Fincher then stated the current agenda resolution seemed to be similar in nature and would only create 4 new jobs. Mr. Fincher stated he believes passing the resolution would be a "slap in the face" to local small businesses and working citizens. Mr. Fincher also stated he is a believer in creating environments conducive to helping businesses thrive but we have reached a point where we are helping those who need it the least. Mr. Fincher stated he believes the small businesses impacted by COVID-19 are the one's who could use the tax breaks and furthermore Opelika is one of a few cities in the state to charge an occupational tax. Mr. Fincher noted while Opelika charges people to work in the city, Opelika then waives taxes for their most profitable manufacturers which includes companies other than just Mando. Mr. Fincher went on to state that Mando gave a \$20,000 donation to a local candidate for office in the most recent election and if they have the means to "throw around that amount of money in a local election" they shouldn't be getting another tax break. Mr. Fincher then stated from an outsiders perspective when the city grants two major tax breaks for a company in a year for a total of 7 jobs to be created, it begs the question of do we unofficially have a system of "I'll scratch your back if you scratch mine". Mr. Fincher closed by stating he believes Opelika is in prime position to attract and keep businesses due to it's location and citizens and we shouldn't have to engage in this type of policy just to maintain a positive business environment.

9. Report of Disbursements

10. Committee Reports

11. General Business

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

1. Request Alcohol License - Cracker Barrel Old Country Store Inc DbA Cracker Barrel 231 Restaurant Retail Liquor and Retail Beer on Premise License.

After not receiving a second to the motion by Mr. Rauch, President Smith asked for a second to the motion so that the council could have discussion. Dr. Lofton then seconded the motion and President Smith asked if there was discussion. Dr. Lofton stated his reservation to the approval of the alcohol license was due to the family restaurant environment. President Smith asked if Cracker Barrel was introducing alcohol to it's restaurants regionally or just the stores owned by this group. Multiple people answered it would be implemented nationwide. Ali Rauch, President

and CEO of the Opelika Chamber of Commerce, then stated they would be adding mimosas and coffee-type beverages to the menu but not necessarily changing their culture to creating a late-night environment.

RESULT: **FAILED [2 TO 2]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Eddie Smith, Todd Rauch
NAYS: Erica Norris, Robert Lofton
ABSENT: Willie Allen

2. Public Hearing - Weed Abatement Assessment - 104 N 9th 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.

3. Public Hearing - Demolition - 3 Oak Ct.

President Smith asked for a motion to remove the item from the agenda due to obligations being met by the owner to avoid having the property demolished at this time.

RESULT: **REMOVED FROM AGENDA [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

4. Public Hearing - Demolition - 203 Raintree Street.

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 demolition. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing - Demolition - 513 Avenue C.

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 demolition. No one came forward to speak. President Smith closed the public hearing.

6. Public Hearing - Amend Zoning Ordinance & Map, 6.23 Acres, 2000 Block of
 Cunningham Dr.

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 zoning amendment. 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 322-20 Fire Uniforms - FD.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

2. Bids 323-20 LED Flood Lights and Mounting Adapters - OPS.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Norris, President Pro-Tem
SECONDER:	Robert Lofton, Council Member
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 324-20 Designate City Personal Property Surplus & Authorize Disposal.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Todd Rauch, Council Member
SECONDER:	Robert Lofton, Council Member
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

2. Resolution 325-20 Approve Mando America Corporation Tax Abatements and Exemptions - ED.

President Smith stated before he would ask for a motion, he would like for Lori Huguley, Director of Economic Development, to come to the podium and speak to the council about the pro's and con's of the resolution that was being presented. Ms. Huguley introduced Mr. Yun Lee, CFO of Mando American Corporation, who was present at the meeting. Ms. Huguley stated in regards to the gentleman's earlier remarks about the abatement of all taxes was incorrect and only the non-educational portion of taxes would be abated. Ms. Huguley explained to the council the investment by Mando would still create educational tax revenue for the city and the resolution is only asking for the abatement of other non-educational taxes. Ms. Huguley also stated the investment shows the company is continuing to grow and generate more jobs, taxes, and investments in the city, and Mando employs over 500 people in our community so it is a significant manufacturing employer. Ms. Norris asked about the amount of taxes abated and for how many years. Ms. Huguley made reference to the comment the gentleman made earlier and explained that was for a different project and it was for a new line that Mando installed previously, and this resolution was for another different new line Mando would be installing currently. Ms. Huguley explained further that Mando continually has new automotive industry parts to produce for their original equipment manufacturer (OEM) and this is not the same abatement that was done last year, it would be a totally new investment and the breakdown of the new abatement has been provided to the council in their agenda packet. Ms. Norris requested Ms. Huguley state the new abatement amount for the citizens. Ms. Huguley stated the total tax abatement over 15 years would be a total of \$442,376 and the amount of educational taxes generated for the city by the new investment would be \$540,902. Ms. Norris asked which year are we in for the tax abatement. Ms. Huguley answered this is a new abatement so this would be year one for this new project. Ms. Norris said she knows that this comes along with these businesses and how we give them a little so they can invest and offer those job opportunities for our citizens. Ms. Huguley stated the city is not giving them anything but granting them an abatement of the taxes but still generating the educational portion of the taxes, and how we want to show our partnership with the company by granting these abatements. Ms. Norris answered by stating the way she understands it is that we are giving the company something for something in return and has the city ever asked these companies if they would still invest if the city did not offer the tax abatements. Ms. Huguley answered the city has not done that in the past due to the city trying to be great partners with these industries that are investing, and the way it is looked at is that the educational taxes would be generated if the investment is made due to the abatement of non-educational taxes. Ms. Norris asked if that was a no and Ms. Huguley answered no the city has not asked that before. Ms. Norris stated she needs to hear both sides and is glad to hear Ms.

Huguley's side and also heard Mr. Fincher's side, and being new to the council she needs to ask these questions to be sure and do what's best for the citizens. Ms. Norris went on to say that she understands that job creation is important but did hear Mr. Fincher's concern for the small businesses and if we afford them the same opportunities and that she did not know the answer to that question. Ms. Huguley stated the city does not normally do tax abatements for small businesses but the city does support them in other ways including partnering with the Chamber of Commerce and the City Council. City Attorney Guy Gunter stated the city is following a statutory procedure from the Alabama legislature that requires a minimum investment of \$2 million for an expansion of a company to receive an exemption for tax abatements and these must comply with existing Alabama law. Ms. Norris thanked Mr. Gunter for the information and stated that was something she was not aware of and needed to know to make an informed decision. Dr. Lofton then stated Mando would be spending \$11 million on their expansion adding on to their facility and creating jobs and that would be an investment into the city as well. Ms. Huguley then stated it is also about retention and how in the bigger picture it allows them to remain current and grow their business so that they can retain and add to the 500 employees they have. Mr. Gunter then stated how important it is for the city to encourage our industries to keep investing in their business and gave an example of the Goodyear tire plant in Gadsden, AL that was the largest tire plant in the world that did not keep investing and over 4000 jobs were lost when it shut down. Ms. Huguley stated the city has it's own example of a company that did not keep investing and is no longer in the city as well. Ms. Norris closed by saying she thinks the entire city council supports these investments in the community but she didn't think it would be a bad idea to ask some questions as well and thanked both Ms. Huguley and Mr. Gunter for their answers and information.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Robert Lofton, Council Member
SECONDER: Todd Rauch, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

3. Resolution 326-20 Approve Installation of Four (4) Electronic School Speed Zone Warning Signs - PW.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

4. Resolution 327-20 Approve Contract for Career Firefighter Cancer Insurance - HR.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

5. Resolution 328-20 Approve License Agreement - Sidewalk Use for Balcony, Cannon Real Estate Holdings, LLC, - Dickson Building.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

6. Resolution 329-20 Weed Abatement Assessment - 104 N 9th St.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

7. Resolution Demolition - 3 Oak Ct.

RESULT: **REMOVED FROM AGENDA [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

8. Resolution 330-20 Demolition - 203 Raintree Street.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

9. Resolution 331-20 Demolition - 513 Avenue C.

Mr. Rauch stated a couple of months ago the owner of this building was at a council meeting voicing her opinion to keep the building but has since not put any money into it to get it fixed and it was the advisement of the city at the time that no extra time be allotted but certain improvements have been done to the building. Mr Rauch asked if there was any additional information on this property and it's condition. Mr. Gunter stated Mr. Kappelman, chief building inspector, could answer that question. Mr. Kappelman stated the property Mr. Rauch was speaking of was a different property than the one being voted on. President Smith confirmed it was a different property and asked if the property being voted on was in the condition seen in the pictures provided. Mr. Kappelmen answered yes.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

10. Resolution 332-20 Reappointment of Municipal Judge and Public Defender for the Municipal Court.

Ms. Norris asked a question about the process for the appointments and if they are just re-appointed or if there are opportunities provided to others to apply for the positions. President Smith answered historically as long as the administration has been pleased by their performance and there is a willingness to continue to serve, these positions have be renewed. President Smith then stated he believed this was Judge McCollum's first renewal. Mr. Gunter stated Judge McCollum was appointed after the retirement of Judge Wilks back in 2018. President Smith then stated the challenge of appointing a Municipal Judge is that there are a limited number of lawyers

that have the ability to sit on the bench and also live in Opelika. President Smith stated, in regards to the public defender, Ms. Camp is bilingual and there are not many public defenders with that skill set and with the growing Hispanic population she has been an invaluable resource in this area. Ms. Norris then stated it should be a priority to make all citizens of Opelika aware of these positions when they have an opening. Ms. Norris then agreed that having a bilingual public defender is a good thing but if they don't ask anyone else if they have that skill set as well, they will never know if there is someone else qualified whom could serve the city. Ms. Norris stated she believes the citizens want transparency and when the council makes decisions, especially when it comes to hiring without making the citizens aware there is an opportunity, there could be concerns that the city and city council are not interested in diversity and inclusion. Ms. Norris closed by stating the more information and more opportunities they can give the citizens to serve the city of Opelika, the city and the council will have done what they are supposed to do.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Robert Lofton, Council Member
SECONDER: Todd Rauch, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

11. Resolution 333-20 Annual Appropriation Contract FY2021 with Opelika Chamber of Commerce.

After Dr. Lofton made a motion to consider, there was some discussion about there needing to be a second to discuss the resolution. After some clarification by Mr. Gunter and President Smith, and out of respect for Dr. Lofton asking for a second to discuss the resolution, Ms. Norris provided a second to the motion. Mr. Rauch then provided an explanation of his abstention due to his spouse being the President and CEO of the Chamber of Commerce, and also if the resolution was approved the signed contract would be sent to the Alabama State Ethics Commission and then thanked Mr. Gunter for his help with it. Dr. Lofton then stated he would be very much in favor of supporting the contract with the Chamber of Commerce and how their contribution and support for the city is much appreciated by him. Ms. Norris then stated she was also in favor of the contract and is also appreciative of what the Chamber of Commerce does for the city. Ms. Norris closed by stating she was unaware that a meeting about the contract had been moved to a later date, thought the meeting had taken place without her and she was not fully informed to make a decision at this time, and that was why she considered tabling the resolution to gather all information before voting. President Smith stated that the meeting did not take place and had indeed been moved to a later date.

RESULT: **APPROVED [3 TO 0]**
MOVER: Robert Lofton, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Erica Norris, Robert Lofton, Eddie Smith
ABSTAIN: Todd Rauch
ABSENT: Willie Allen

12. Resolution 334-20 Special Appropriation to AO Discover!.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

13. Resolution 335-20 Special Appropriation to the Dream Day Foundation.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance Amend Zoning Ordinance & Map, 6.23 Acres, 2000 Block of Cunningham Dr. - 2nd Reading.

President Smith asked for a member of the council to introduce the ordinance. Mr. Rauch introduced the ordinance.

RESULT: **FIRST READING INTRODUCED**

15. Appointments

President Smith presented the appointments.

1. Reappoint Sutricia Johnson to the LRCOG / MPO Citizen Advisory Committee - New Term ends 1-1-2023.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

2. Reappoint Ken Ridley to the LRCOG / MPO Citizen Advisory Committee - New Term ends 1-1-2023.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen

16. Adjourn

The City Council meeting minutes of December 15, 2020 are hereby adopted and approved this the 5th day of January, 2021.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

Russell A. Jones

City Clerk

1. Character Trait of the Month - Fairness, impartial and just treatment or behavior without favoritism or discrimination.

President Smith asked if there was any other business to come before the council and read the character trait of the month.

2. Motion to Adjourn.

The council meeting ended at 7:48 pm.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Todd Rauch, Council Member

SECONDER: Erica Norris, President Pro-Tem

AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch

ABSENT: Willie Allen

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**CM MINUTES (ID # 4460)**

Meeting: 12/15/20 07:00 PM

Department: City Clerk

Category: CM Minutes

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4460

Minutes from the 12-1-20 council meeting.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
 300 Martin Luther King Blvd.
December 1, 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

The Mayor and all City Council members were present.

1. George Allen, Erica Norris, Robert Lofton, Todd Rauch, Eddie Smith

3. Invocation

Mr. Dunbar provided the invocation.

1. Paul Dunbar from First Baptist Church Opelika.

4. Pledge of Allegiance

The Opelika Dawg Pound Football 12U team/members led the Pledge of Allegiance. The team/members were then invited up front to take a picture with the Mayor and City Council members. Ms. Norris also spoke and asked the coaches to come to the front and be recognized as leaders in the community and also have their picture taken with the Mayor and City Council members.

1. 2020 Carpet Capital Bowl Champions - Opelika Dawg Pound Football 12U Team/Members.

5. Reading of Minutes

1. Minutes from the 11-17-20 council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Todd Rauch, Council Member
SECONDER:	Erica Norris, President Pro-Tem
AYES:	Allen, Norris, Lofton, Smith, Rauch

6. Unfinished Business

7. Remarks By the Mayor

1. City's Financial Summary Report for October 2020.
 Mayor Fuller asked if the council had any questions about the city's financial summary report to ask Cindy Boyd, Mr. Motley or himself about it. Mayor Fuller then announced he had named Assistant Police Chief Kasey Brown the interim Police Chief effective immediately and went over his qualifications as such.

8. Citizen Communications

None.

9. Report of Disbursements

10. Committee Reports

11. General Business

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

1. Public Hearing - Weed Abatement Assessment- 3900 Marvyn Pkwy.
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

13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 312-20 Designate City Personal Property Surplus & Authorize Disposal.

RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

2. Resolution 313-20 Purchase - CivicClerk, Omnia Contract #2018011-02 - IT.

RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

3. Resolution 314-20 Approve Agreement with AVENU Insights & Analytics LLC - REV.

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Lofton, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

4. Resolution 315-20 Approve Agreement with Johnson Controls, Inc. - P&R.

RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

5. Resolution 316-20 Approve Agreement with NRC, Inc. for Arborist Services.

RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

6. Resolution 317-20 Approve Cumberland Plastic Systems, LLC Tax Abatements and Exemptions - ED.

Dr. Lofton asked how much the tax abatement would be worth over the 10 year term. Mr. Gunter answered the application would have that information. President Smith explained how they would still pay school taxes but be granted certain tax abatements in exchange for the investment and jobs created for the city. Dr. Lofton stated he understood that but would like to know exactly how much per year the tax abatements would be. President Smith asked the project manager from Economic Development John Sweatman if he had those numbers with him. Mr. Sweatman stated he did not have them present but he would be glad to provide them to the council for review as soon as possible. Ms. Norris asked Dr. Lofton his purpose for obtaining the information and if it was just to weigh the abatement versus the benefit. Dr. Lofton stated that was exactly his purpose to weigh what was being given versus what was being received by the

Attachment: CM minutes from 12-1-20 (4460 : Minutes from the 12-1-20 council meeting.)

city. Ms. Norris then asked if this was something that needed to be tabled until the information was given. President Smith stated he didn't believe there was a reason to table the resolution at this time but going forward the information would be provided to the council before the meeting. Ms. Norris stated that was a good agreement.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

7. Resolution 318-20 Weed Abatement Assessment - 3900 Marvyn Pkwy.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

8. Resolution 319-20 Approve Designation of Automobile Allowances.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

9. Resolution 320-20 Approve Agreement for N. Uniroyal Bridge Gas Line Relocation.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance 030-20-ORD Amend Zoning Ordinance & Map; Rezone 89.5 Acres, 900 Block N. Uniroyal Road - 2nd Reading.

RESULT: **SECOND READING AND APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

2. Ordinance 031-20-ORD Lease Agreement with Level-Up Towers, LLC - 2nd Reading.

RESULT: **SECOND READING AND APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

3. Ordinance 032-20-ORD Conveyance of Real Property to SMB Land, LLC - 2nd Reading.

RESULT: **SECOND READING AND APPROVED [UNANIMOUS]**
MOVER: Robert Lofton, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Allen, Norris, Lofton, Smith, Rauch

15. Appointments

16. Executive Session

1. Motion to Move into Executive Session.

Attachment: CM minutes from 12-1-20 (4460 : Minutes from the 12-1-20 council meeting.)

President Smith asked the council to move into an Executive Session meeting, outside the council chambers, to discuss the good name and character of an individual employee at 7:22 pm and stated the session would last at least two hours. Mr. Jones gave multiple updates to the length of time being taken during the entirety of the Executive Session meeting after the initial two hours had passed. The council ended the Executive Session meeting, and re-entered the council chambers at approximately 2:09 am.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

17. Adjourn

The City Council meeting minutes of December 1, 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

1. Character Trait of the Month - Fairness, impartial and just treatment or behavior without favoritism or discrimination.
 2. Motion to Adjourn.
- The council meeting ended at 2:10 am.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch

Attachment: CM minutes from 12-1-20 (4460 : Minutes from the 12-1-20 council meeting.)



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 4476)

Meeting: 12/15/20 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:
DOC ID: 4476

Minutes from the 12-11-20 special meeting.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT: Willie Allen



OPELIKA CITY COUNCIL
“ SPECIAL MEETING MINUTES “
 300 Martin Luther King Blvd.
December 11, 2020
TIME: 2:00 PM

I. Call to Order

President Smith called the special meeting to order at 2:00 pm.

II. Roll Call

Mr. Allen, Ms. Norris, Mr. Smith, and Mr. Rauch were all physically present. Dr. Lofton was present by teleconference.

1. George Allen, Erica Norris, Robert Lofton, Todd Rauch, Eddie Smith

III. Resolutions

After some confusion and discussion about the resolution the council was voting on, the below vote was recorded.

1. Resolution 321-20 Resolution Relating to Grievance Filed by David Davis.

RESULT:	APPROVED [3 TO 2]
MOVER:	Todd Rauch, Council Member
SECONDER:	Robert Lofton, Council Member
AYES:	Robert Lofton, Eddie Smith, Todd Rauch
NAYS:	Willie Allen, Erica Norris

IV. Adjourn

1. Motion to Adjourn.

The special meeting ended at 2:06 pm.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Todd Rauch, Council Member
SECONDER:	Erica Norris, President Pro-Tem
AYES:	Allen, Norris, Lofton, Smith, Rauch

Attachment: CM minutes from 12-11-20 (special meeting) (4476 : Minutes from the 12-11-20 special meeting.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 12/15/20 07:00 PM
Department: City Clerk
Category: Financial Statements
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:

MAYOR'S REMARKS (ID # 4463)

DOC ID: 4463

City's Financial Summary Report for November 2020.

COMMENTS - Current Meeting:

Mr. Motley presented the financial summary report.

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups (Interim Report)
 November 30, 2020
**Thousands of dollars*

Governmental Funds										
Garden Hills										
General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total	
\$ 36,965	\$ 16,394	\$ 37	\$ 1,425	\$ -	\$ 5,051	\$ 44,285	\$ -	\$ -	\$ 104,157	31,008
20,108	5,000	-	-	-	-	5,900	-	-	-	-
ASSETS										
Cash	-	-	-	-	-	-	-	-	-	-
Certificates of deposit	-	-	-	-	-	-	-	-	-	-
Receivables:	-	-	-	-	-	-	-	-	-	-
Accounts and unbilled service	-	-	-	-	-	-	-	-	-	-
Taxes	8,271	-	180	-	-	5,582	-	-	-	5,762
Licenses and fees	3,034	-	-	-	-	-	-	-	-	16,933
Fines and forfeitures	-	-	-	-	-	-	-	-	-	3,034
Assessments	203	-	-	-	-	-	-	-	-	-
Interest	(245)	-	-	3	-	1	-	-	-	203
Other	342	653	-	-	(1)	-	-	-	-	(241)
Due from other funds	30	-	-	15	-	8,537	-	-	-	994
Due from other governments	3,006	639	-	-	-	1,059	-	-	-	8,582
Inventories of supplies, at cost	144	-	-	-	-	1,001	-	-	-	4,704
Prepaid expenses	326	-	-	-	-	-	-	-	-	1,145
Investments	-	18	-	1,339	-	-	-	-	-	326
Investments with fiscal agent	-	-	644	-	-	1,285	-	-	-	1,357
Capital assets:	-	-	-	-	-	-	-	-	-	1,929
Land	-	-	-	-	-	2,462	10,368	-	-	12,830
Buildings	-	-	-	-	-	13,666	63,073	-	-	76,739
Equipment	-	-	-	-	-	11,563	23,334	-	-	34,897
Utility systems	-	-	-	-	-	118,431	-	-	-	118,431
Infrastructure	-	-	-	-	-	-	123,014	-	-	123,014
Construction in progress	-	-	-	-	-	279	5,855	-	-	6,134
Total capital assets	-	-	-	-	-	146,401	225,644	-	-	372,045
Less: accumulated depreciation	-	-	-	-	-	(73,385)	(67,710)	-	-	(141,095)
Capital assets, net	-	-	-	-	-	73,016	157,934	-	-	230,950
Deposits	-	69	-	-	19	2	-	-	-	90
Amount to be provided for general long term debt	-	-	-	-	-	-	-	84,282	-	84,282
Total assets	72,183	31,435	681	1,605	1,356	140,669	157,933	84,282	-	495,215
DEFERRED OUTFLOWS OF RESOURCES										
Employer retirement contributions	-	-	-	-	-	1,528	-	-	-	1,528
Difference on projected OPEB earnings investments	-	-	-	-	-	638	-	-	-	638
Bond refunding costs	-	-	-	-	-	2,346	-	-	-	2,346
Total deferred outflows of resources	-	-	-	-	-	4,512	-	-	-	4,512

City of Opelika
Combined Balance Sheet - All Funds and Account Groups (Interim Report)
November 30, 2020
*Thousands of dollars

	Governmental Funds									
	Garden Hills									
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
LIABILITIES										
Accounts payable	871	18	-	-	-	18	7,344	-	-	8,251
Interest payable	-	-	-	-	-	-	261	-	-	261
Accrued payroll and benefits, due within one year	123	-	-	-	-	-	230	-	-	353
Due to other funds	11	30	-	-	-	-	8,537	-	-	8,578
Due to other governments	23	174	-	-	-	-	-	-	-	197
Claims and judgements, due within one year	-	-	-	-	-	312	-	-	-	312
Bonds payable due within one year	-	-	-	-	-	-	1,955	-	-	1,955
Claims and judgements, due in more than one year	-	-	-	-	-	136	-	-	-	136
Bonds payable, due in more than one year	-	-	463	-	-	-	26,971	-	84,282	111,716
Net pension liability	-	-	-	-	-	-	8,828	-	-	8,828
Accrued payroll & benefits, due in more than one year	-	-	-	-	-	-	1,687	-	-	1,687
Customer deposits held	-	-	-	-	-	-	3,153	-	-	3,153
Total liabilities	1,028	222	463	-	-	466	58,966	-	84,282	145,428
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan	-	-	-	-	-	-	418	-	-	418
Net change in OPEB assumptions	-	-	-	-	-	-	37	-	-	37
Unearned revenues	4,187	9,467	-	-	-	355	196	-	-	14,205
Total deferred inflows of resources	4,187	9,467	-	-	-	355	652	-	-	14,661
FUND BALANCES										
Nonspendable	144	69	-	-	1,230	-	-	-	-	1,443
Restricted	200	5,870	218	1,511	-	2,974	1,285	-	-	12,058
Committed	36	-	-	-	-	-	-	-	-	36
Assigned	11,309	14,761	-	-	-	-	-	-	-	26,070
Unassigned	30,856	(12)	-	1	126	1,237	-	-	-	32,208
Invested in capital assets, net of related debt	-	-	-	-	-	-	46,436	157,933	-	204,369
Unrestricted	-	-	-	-	-	-	34,119	-	-	34,119
Encumbrances	24,423	1,057	-	93	-	38	3,724	-	-	29,335
Total fund balances	66,968	21,746	218	1,605	1,356	4,249	85,564	157,933	-	339,639

City of Opelika

Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - All Governmental Funds and Account Groups (Interim FYTD November 30, 2020)

*Thousands of dollars

	Governmental Funds					Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	
REVENUES:						
Taxes	\$ 7,798	\$ 1,153	\$ -	\$ -	\$ -	\$ 8,951
Special assessments	-	-	-	-	-	-
Licenses and permits	3,582	61	-	-	-	3,642
Intergovernmental	351	105	-	17	-	472
Charges for services	155	-	-	-	-	155
Fines and forfeits	63	-	-	-	-	63
Grants	-	-	-	-	-	-
Contributions	2	-	-	-	-	2
Investment income	30	12	(1)	-	3	45
Miscellaneous	276	-	-	-	-	276
Total revenues	12,257	1,330	(1)	17	3	13,607
EXPENDITURES:						
General government	1,445	44	-	-	1	1,491
Public safety	2,761	43	-	-	-	2,804
Public works	841	-	-	-	-	841
Health	67	-	-	-	-	67
Education	565	-	-	-	-	565
Welfare	65	-	-	-	-	65
Culture and recreation	897	-	-	-	-	897
Economic development	118	15	-	-	-	133
Capital outlay	1,967	155	-	-	-	2,121
Debt service:						
Principal retirement	-	-	2,455	-	-	2,455
Interest and fees	-	-	1,628	-	-	1,629
Total expenditures	8,726	257	4,083	-	1	13,068
Excess of revenues over/(under) expenditures	3,531	1,073	(4,085)	17	2	540
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	906	-	-	906
Sale of capital assets	30	-	-	-	-	30
Transfers from other funds	500	794	2,465	-	6	3,766
Transfers to other funds	(3,220)	(85)	-	-	-	(3,305)
Total other financing sources/(uses)	(2,690)	709	3,370	-	6	1,396
Net change in fund balances	841	1,782	(714)	17	8	1,936
Fund balances, beginning of the year	63,398	18,902	931	1,587	1,348	86,166
Fund balances, end of period	\$ 64,239	\$ 20,685	\$ 218	\$ 1,604	\$ 1,356	\$ 88,102

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)

City of Opelika
 Combined Balance Sheet (Interim Report)
 Proprietary and Fiduciary Funds
 November 30, 2020 Preliminary
**Thousands of dollars*

	Electric FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD
ASSETS					
Current assets:					
Cash	\$ 30,856	\$ 10,276	\$ 3,123	\$ 3,497	\$ 1,555
Certificates of deposit	5,900	-	-	-	-
Receivables and prepaid expenses	4,934	365	284	-	(1)
Due from other funds and governments	8,537	1,059	-	-	-
Inventory	1,001	-	-	-	-
Total current assets	51,228	11,700	3,407	3,497	1,554
Restricted assets:					
Cash and investments with fiscal agent	1,283	1	-	-	-
Total restricted assets	1,283	1	-	-	-
Net capital assets	42,673	28,354	1,990	-	-
Other assets:					
Deposits	-	2	-	19	-
Total other assets	-	2	-	19	-
Total assets	95,184	40,057	5,397	3,516	1,554
DEFERRED OUTFLOWS OF RESOURCES					
Retirement contributions	1,004	-	374	-	-
Difference on projected OPEB earnings	450	-	169	-	-
Bond refunding costs	2,287	59	-	-	-
Total deferred outflows of resources	3,741	59	542	-	-
Total assets and deferred outflows of resources	98,926	\$ 40,116	\$ 5,939	\$ 3,516	\$ 1,554
LIABILITIES					
Current liabilities:					
Accounts and other payables	\$ 7,734	\$ 6	\$ 95	\$ 49	\$ 281
Due to electric fund	-	-	-	-	-
Due to other funds	-	-	-	-	-
Bonds payable within one year	1,365	590	-	-	-
Unearned revenue	197	-	-	-	355
Total current liabilities	9,296	596	95	49	636
Noncurrent liabilities:					
Claims and employee benefits due in more than one year	1,223	-	445	136	-
Bonds payable, in more than one year, net	25,725	1,246	-	-	-
Net pension liability	5,484	-	1,885	-	-
Customer deposits held	2,983	-	170	-	-
Total noncurrent liabilities	35,416	1,246	2,501	136	-
Total liabilities	44,711	1,843	2,596	185	636
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	44,978	1,843	2,700	185	636
NET POSITION					
Invested in capital assets, net of related debt	17,870	26,577	1,990	-	-
Restricted	1,283	1	-	3,007	(32)
Unrestricted	33,492	9,816	709	324	912
Encumbrances	1,303	1,880	540	-	38
Total net position	53,948	38,274	3,239	3,331	918
Total liabilities, deferred inflows, and net position	\$ 98,925	\$ 40,116	\$ 5,939	\$ 3,516	\$ 1,554

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)

City of Opelika

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

Proprietary and Fiduciary Funds

FYTD November 30, 2020 Preliminary

**Thousands of dollars*

	Electric 2021 FYTD	Sewer 2021 FYTD	Solid Waste 2021 FYTD	Workmen's Comp. 2021 FYTD	Health Insurance 2021 FYTD
Operating Revenues					
Charges for services	\$ 6,906	\$ 739	\$ 614	\$ 90	\$ 712
Operating Expenses					
Purchases	3,960	-	81	-	-
Depreciation	480	183	57	-	-
Personnel services	576	-	181	-	-
Other	594	278	123	1	472
Total operating expenses	5,610	461	442	1	472
Operating income/(loss)	1,295	278	172	88	240
Nonoperating Revenues/(Expenses)					
Gain/(Loss) on sale of capital assets	-	-	-	-	-
Fiber optic line leases	-	-	-	-	-
Investment income	11	-	1	1	-
Grant income	-	-	-	-	-
Pole rental	-	-	-	-	-
Miscellaneous revenues	20	-	2	-	-
Interest expense and charges	(202)	(9)	-	-	-
Total nonoperating revenues/(expenses)	(171)	(9)	3	1	-
Other Revenues and Transfers In/(Out):					
Capital contributions	-	-	-	-	-
Transfers from other funds	-	-	1	-	-
Transfers to other funds	(500)	-	(1)	-	-
Total other revenues/(expenses)	(500)	-	-	-	-
Net Income/(loss)	624	269	175	89	240
Net position, beginning of year	53,324	38,005	3,064	3,241	678
Net position before encumbrances	53,948	38,274	3,239	3,331	918
Encumbrances	1,303	1,880	540	-	38
Net position, end of period	\$ 52,645	\$ 36,393	\$ 2,699	\$ 3,331	\$ 880
Additional Information:					
Cash position at September 30, 2020	\$ 30,856	\$ 10,276	\$ 3,123	\$ 3,497	\$ 1,555
Cash position at September 30, 2019	28,895	9,947	2,929	3,413	1,460
Change in cash	\$ 1,961	\$ 329	\$ 194	\$ 84	\$ 94

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)

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

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
Revenues:						
Taxes	\$ 6,366	\$ 7,798	\$ 1,433	\$ 6,394	\$ 7,798	\$ 1,404
Licenses and permits	3,525	3,582	57	3,022	3,582	559
Intergovernmental	71	351	280	113	351	238
Charges for services	311	155	(156)	335	155	(179)
Fines and forfeits	55	63	8	72	63	(9)
Grants	4	-	(4)	-	-	-
Contributions	38	2	(36)	-	2	2
Investment income	88	30	(58)	50	30	(20)
Miscellaneous	76	276	199	51	276	225
Total revenues	10,533	12,257	1,724	10,038	12,257	2,219
Expenditures:						
General government	1,402	1,445	44	1,444	1,445	1
Public safety	2,717	2,761	45	3,209	2,761	(448)
Public works	951	841	(110)	966	841	(125)
Culture and recreation	1,074	897	(177)	1,148	897	(251)
Economic development	89	118	28	303	118	(186)
Health	55	67	12	55	67	11
Education	553	565	12	555	565	10
Welfare	29	65	36	26	65	39
Capital outlay	1,047	1,967	920	1,363	1,967	603
Debt service	-	-	-	116	-	(116)
Total expenditures	7,916	8,726	810	9,187	8,726	(460)
Other financing sources/(uses)						
Sale of capital assets	-	30	30	-	30	30
Transfers in	505	500	(5)	970	500	(470)
Transfer out	(4,890)	(3,220)	1,670	(2,004)	(3,220)	(1,216)
Total other financing sources/(uses)	(4,385)	(2,690)	1,695	(1,034)	(2,690)	(1,656)
Net change in fund balance	(1,768)	841	2,609	(182)	841	1,024
Fund balance, beginning of year	66,652	63,398	(3,254)	66,652	63,398	(3,254)
Fund balance, year to date	\$ 64,884	\$ 64,239	\$ (645)	\$ 66,470	\$ 64,239	\$ (2,231)
Less:						
Nonspendable	100	144	43	-	144	-
Restricted	207	200	(7)	-	200	-
Committed	47	36	(11)	-	36	-
Assigned	18,110	11,309	(6,801)	-	11,309	-
Encumbrances	15,623	24,423	8,800	-	24,423	-
	34,087	36,111	2,024	-	36,111	-
Unassigned fund balance	30,797	28,128	(2,669)	66,470	28,128	(2,231)
20% budgeted revenues	2,008	2,008		2,008	2,008	
Available unassigned fund balance	\$ 28,789	\$ 26,120		\$ 64,462	\$ 26,120	

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)

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

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
Taxes:						
Sales	\$ 5,512	\$ 6,870	\$ 1,358	\$ 5,450	\$ 6,870	\$ 1,420
Property:						
Property	559	697	139	683	697	14
Payments in lieu of taxes	18	-	(18)	1	-	(1)
Total property taxes	577	697	120	684	697	13
Other						
Gasoline	151	103	(48)	137	103	(34)
Cigarette	10	10	-	10	10	-
Wine and liquor	5	5	-	5	5	1
Rental	111	113	3	108	113	5
Total other taxes	277	231	(46)	260	231	(29)
Total taxes	6,366	7,798	1,433	6,394	7,798	1,404
Licenses and permits:						
Occupational license	3,030	3,138	107	2,100	3,138	1,038
Business:						
General	24	36	12	500	36	(464)
Lodging	209	135	(74)	154	135	(19)
Franchise fee	84	85	1	86	85	(1)
Miscellaneous	49	51	2	43	51	8
Total business	366	307	(59)	783	307	(476)
Telecommunications permits and fees	2	-	(2)	4	-	(4)
Permits and inspections	125	134	10	133	134	1
Other	2	2	1	2	2	1
Total licenses and permits	3,525	3,582	57	3,022	3,582	559
Intergovernmental:						
Shared county motor vehicle	26	27	1	23	27	4
Shared state:						
Bank excise tax	-	280	280	33	280	247
Business privilege tax	-	-	-	12	-	(12)
Liquor tax profits	25	31	7	24	31	7
State asset forfeiture	2	1	(1)	-	1	1
Total shared state	26	313	286	70	313	243
Shared federal asset forfeiture	-	-	-	1	-	(1)
Other	18	11	(7)	20	11	(9)
Total intergovernmental	71	351	280	113	351	238
Charges for services:						
General government - other	5	3	(2)	4	3	(1)
Public Safety:						
Fire training/transport	3	7	4	1	7	7
City schools	-	-	-	25	-	(25)
Auburn University	3	-	(3)	-	-	-
EAMC	21	21	-	27	21	(6)
Other	2	1	(1)	-	1	1
Health - Graves and monuments	27	20	(7)	25	20	(5)
Public Works - Paving and plan review f	11	7	(4)	5	7	2
Culture and Rec - Entry and concession f	240	96	(144)	248	96	(152)
Total charges for services	311	155	(156)	335	155	(179)
Fines and forfeits:						
Municipal Court	49	56	7	65	56	(9)
Other	7	8	1	7	8	-
Total fines and forfeits	55	63	8	72	63	(9)
Grant income	4	-	(4)	-	-	-
Contributions: Mobile Clinic	36	-	(36)	-	-	-
Contributions: Other	1	2	1	-	2	2
Investment income	88	30	(58)	50	30	(20)
Miscellaneous	76	276	199	51	276	225
Total revenues	10,533	12,257	1,724	10,038	12,257	2,219
Other financing sources						
Operating transfers from Electric fund	500	500	-	500	500	-
Other transfers	5	-	(5)	470	-	(470)
Sale of capital assets	-	30	30	-	30	30
Total other financing sources	505	530	25	970	530	(440)
Total revenue and other financing	\$ 11,038	\$ 12,787	\$ 1,749	\$ 11,008	\$ 12,787	\$ 1,779

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)

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

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
General government:						
Legislative	\$ 74	\$ 77	\$ 3	\$ 67	\$ 77	\$ 10
Executive	44	52	8	114	52	(62)
Legal	117	51	(66)	66	51	(15)
Administration	135	136	1	109	136	27
Accounting	73	66	(8)	99	66	(34)
Human resources	63	48	(15)	95	48	(47)
Information technology	546	605	60	449	605	156
Revenue	58	66	9	87	66	(20)
Municipal court	57	46	(12)	61	46	(15)
Purchasing	45	42	(4)	53	42	(11)
Community development	43	39	(4)	46	39	(7)
Planning	70	77	7	97	77	(21)
Other - nondepartmental	77	142	65	103	142	39
Total general government	1,402	1,445	44	1,444	1,445	1
Public safety:						
Police	1,747	1,757	10	2,059	1,757	(302)
Probation	13	21	8	26	21	(4)
Fire	957	878	(79)	1,055	878	(177)
Other - nondepartmental	-	105	105	70	105	35
Total public safety	2,717	2,761	45	3,209	2,761	(448)
Public works:						
Streets	230	215	(15)	199	215	16
Engineering	148	85	(63)	117	85	(32)
Administration	84	82	(1)	101	82	(18)
Cemetery	38	38	-	47	38	(9)
Auto shop	101	93	(8)	124	93	(31)
Building maintenance	98	92	(7)	104	92	(12)
Inspection	91	69	(22)	104	69	(35)
Grounds maintenance	161	168	7	172	168	(4)
Total public works	951	841	(110)	966	841	(125)
Culture and recreation:						
Parks and recreation	814	669	(145)	960	669	(292)
Library	159	134	(25)	168	134	(34)
Other - nondepartmental	101	94	(6)	20	94	75
Total culture and recreation	1,074	897	(177)	1,148	897	(251)
Economic development:						
Development	58	48	(11)	98	48	(50)
Other - nondepartmental	31	70	39	205	70	(135)
Total economic development	89	118	28	303	118	(186)
Health:						
Animal control	11	12	1	13	12	(1)
Mobile Clinic	-	-	-	-	-	-
Other	43	55	12	42	55	13
Total health	55	67	12	55	67	11
Education	553	565	12	555	565	10
Welfare	29	65	36	26	65	39
Capital outlay	1,047	1,967	920	1,363	1,967	603
Debt service						
Principal retirement	-	-	-	113	-	(113)
Interest and charges	-	-	-	3	-	(3)
Total debt service	-	-	-	116	-	(116)
Total expenditures	7,916	8,726	810	9,187	8,726	(460)
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	561	735	174	567	735	168
Transfers to other funds	4,329	2,485	(1,844)	1,437	2,485	1,048
Total transfers out	4,890	3,220	(1,670)	2,004	3,220	1,216
Total expenditures and other financing uses	\$ 12,806	\$ 11,946	\$ (860)	\$ 11,190	\$ 11,946	\$ 756

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)

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

	FYTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
GENERAL FUND						
General Government:						
Legislative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Executive	-	-	-	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	-	-	-	304	-	304
Human Resources	-	-	-	-	-	-
Information Technology	-	7	7	35	7	28
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total general government	-	7	7	338	7	332
Public Safety:						
Police	178	-	(178)	54	-	54
Probation	-	-	-	-	-	-
Fire	385	46	(339)	58	46	13
Total public safety	563	46	(517)	113	46	67
Public Works:						
Streets	213	455	242	335	455	(120)
Engineering	121	116	(5)	7	116	(110)
Administration	-	399	399	29	399	(370)
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	334	970	636	370	970	(600)
Culture and Recreation:						
Parks and Recreation	150	409	259	14	409	(395)
Library	-	535	535	529	535	(7)
Total culture and recreation	150	944	795	543	944	(402)
Economic development	-	-	-	-	-	-
Health, Education and Welfare	-	-	-	-	-	-
Total General Fund capital outlay expenditures	\$ 1,047	\$ 1,967	\$ 920	\$ 1,363	\$ 1,967	\$ (603)
PROPRIETARY FUNDS						
Electric	300	247	(53)	1,214	247	967
Sewer	10	2	(7)	321	2	319
Solid Waste	-	-	-	106	-	106
Total Proprietary funds	309	249	(60)	1,641	249	1,392
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	-	-	-	17	-	17
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	11	-	11
Road Construction - Street Resurfacing & Paving	-	-	-	31	-	31
2011 Road Construction - Street paving	-	-	-	166	-	166
Future Capital Improvement Projects	-	-	-	467	-	467
Capital Improvement funds - Other	(233)	155	387	80	155	(74)
Industrial Road Grant funds - Other	4	-	(4)	-	-	-
Total Other Governmental funds	(229)	155	384	771	155	617
Total City of Opelika Capital Outlay	\$ 1,128	\$ 2,370	\$ 1,243	\$ 3,776	\$ 2,370	\$ 1,406

Attachment: November 2020 Prelim Fin Stmt (4463 : City's Financial Summary Report for November 2020.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 12/15/20 07:00 PM
Department: Building Inspection
Category: Building Permit Report.
Prepared By: BJ Lowery
Initiator: Jeff Kappelman
Sponsors:

MAYOR'S REMARKS (ID # 4470)

DOC ID: 4470

November 2020 Monthly Building Report.

COMMENTS - Current Meeting:

Mr. Motley also presented the monthly building report.



BUILDING INSPECTIONS

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

Monthly Permits for November 2020

Work & Repair On Buildings

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	0	0
Plumbing Upgrades	4	26
Electrical Upgrades	5	42
Mechanical Upgrades	1	39
Reroofs And Roof Repairs	0	6
Mobile Home Services	0	0
Building Additions/Accessory Structures	2	9

Monthly Totals for November

2011	\$	2,746,405.00
2012	\$	51,311,016.00
2013	\$	3,666,190.00
2014	\$	5,525,186.00
2015	\$	5,632,291.00
2016	\$	4,650,764.00
2017	\$	6,360,684.00
2018	\$	2,986,513.00
2019	\$	4,908,110.90
2020	\$	7,687,421.70

Total Permits Issued

2	New Buildings: Commercial	\$	240,500.00
4	Commercial Renovations And Repairs	\$	467,823.00
1	Signs	\$	10,000.00
29	New Single Family Homes	\$	6,475,929.60
19	Residential Repairs And Renovations	\$	493,169.10
0	New Apartment Units	\$	-
0	New Duplex Residences	\$	-
0	Total Building Permits Issued	\$	-

55

Total Permits for November 2020

\$7,687,421.70

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 - 2021

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	8	17
Plumbing Upgrades	6	36
Electrical Upgrades	16	64
Mechanical Upgrades	11	55
Reroofs And Roof Repairs	5	31
Mobile Home Services	0	1
Building Additions/Accessory Structures	4	33

Yearly Totals For Oct. 1st - Sept. 30th		
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
2020	\$	171,453,802.96

Total Permits Issued:

4	New Buildings: Commercial	\$	1,800,286.20
15	Commercial Renovations And Repairs	\$	4,442,659.00
14	Signs	\$	180,564.70
61	New Single Family Homes	\$	14,438,102.60
89	Residential Repairs And Renovations	\$	1,587,576.61
0	New Apartment Units	\$	-
0	New Duplex Residences	\$	-
0	Total Building Permits Issued	\$	-

183

Permit Total Issued for FY 2021

\$ 22,449,189.11

JEFF KAPPELMAN
Chief Building Inspector



City of Opelika Building Inspections Department

November 2020 Monthly Building Permit Detail Report

Issue Date	Main Address	Work Class	Company	Valuation
11/2/2020	3706 NATIONAL VILLAGE LOOP	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	275,506.00
11/2/2020	1402 SOUTHWICK LN	Roofs	THE ROOF GROUP, LLC	6,750.00
11/2/2020	3338 EAGLE TRL	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	176,937.00
11/2/2020	100 N 17TH PL	Roofs	THE ROOF GROUP, LLC	5,500.00
11/3/2020	1640 PARKER WAY	Alteration	MODERN QUALITY CONSTRUCTION	248,723.00
11/4/2020	2885 WYNDHAM INDUSTRIAL DR	New	WAYNE GENTRY BUILDER	128,000.00
11/5/2020	3220 OLD OPELIKA RD	Addition		29,858.00
11/5/2020	1969 CALCUTTA CIR	Accessory Buildings		9,000.00
11/6/2020	1033 WALKER GRAY CT	New	HISE CONTRACTING SOLUTIONS	112,500.00
11/9/2020	2109 GLENWOOD DR	Alteration	SHERMAN WAITS	3,500.00
11/9/2020	3 OAK CT	Roofs		2,500.00
11/9/2020	1601 BLACKHAWK DR	Alteration	A&E HOLDINGS LLC	9,925.00
11/10/2020	50 MERLIN ST	New Single Family Attached	BC Stone Homes	162,859.30
11/10/2020	66 MERLIN ST	New Single Family Attached	BC Stone Homes	202,245.85
11/10/2020	2791 MILL LAKES RDG	New Single Family Detached	MATHEWS DEVELOPMENT CO LLC	195,698.00
11/10/2020	46 MERLIN ST	New Single Family Attached	BC Stone Homes	202,245.85
11/10/2020	54 MERLIN ST	New Single Family Attached	BC Stone Homes	207,177.00
11/10/2020	62 MERLIN ST	New Single Family Detached	BC Stone Homes	162,859.30
11/10/2020	1280 SPRING LAKES XING	New Single Family Detached	MATHEWS DEVELOPMENT CO LLC	262,656.00
11/10/2020	70 MERLIN ST	New Single Family Attached	BC Stone Homes	148,571.30
11/10/2020	58 MERLIN ST	New Single Family Attached	BC Stone Homes	207,177.00
11/12/2020	1207 AUBURN ST	Roofs	ALL-V ROOFING & RESTORATION LL	6,500.00
11/12/2020	804 NORTHILLS DR	Roofs	GOAT ROOFING LLC	7,868.00
11/13/2020	2599 BRITTANY LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	176,928.00
11/13/2020	2617 DUNSTAN LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	221,046.00
11/13/2020	101 SPRING HILL AVE	Alteration		18,350.00
11/13/2020	2631 DUNSTAN LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	244,504.00
11/13/2020	779 BUSH CREEK DR	New Single Family Detached	STONE MARTIN BUILDERS	265,569.00
11/13/2020	2611 DUNSTAN LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	176,928.00

11/13/2020	1802 INDIA RD	Accessory Buildings		2,100.00
11/13/2020	1904 EVANS DR	Swimming Pool	J MARSH ENTERPRISES INC	60,000.00
11/13/2020	2600 BRITTANY LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	221,150.00
11/13/2020	2814 LONE EAGLE LN	Addition	The Pignato Company, LLC	37,500.00
11/13/2020	2602 BRITTANY LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	244,504.00
11/13/2020	1693 HONEYCOMB DR	New Single Family Detached	STONE MARTIN BUILDERS	335,912.00
11/13/2020	2601 BRITTANY LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	244,504.00
11/13/2020	2603 BRITTANY LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	176,928.00
11/13/2020	1655 HONEYCOMB DR	New Single Family Detached	STONE MARTIN BUILDERS	306,238.00
11/16/2020	2204 3RD AVE	Alteration	A & P Holdings LLC	20,000.00
11/17/2020	2701 FREDERICK RD 308	Alteration	ABNER PRIDE ELECTRIC	9,500.00
11/18/2020	1115 E COLLINWOOD CIR	Addition		250,000.00
11/18/2020	705 HERNDON ST	Roofs		2,150.00
11/18/2020	2200 WESTPOINT PKWY	Signs	TOTAL IMAGING INC	10,000.00
11/19/2020	215 N 3RD ST A	Accessory Buildings		3,300.00
11/19/2020	1101 JETER AVE	Addition	JJ CAPAN CONSTRUCTION, LLC	9,600.00
11/23/2020	3218 EAGLE TRL	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	198,177.00
11/23/2020	403 WINTERBURN AVE	Accessory Buildings		15,000.00
11/23/2020	2311 EDWARDS RD	Accessory Buildings		3,368.10
11/25/2020	815 VIOLET LN	New Single Family Detached	STONE MARTIN BUILDERS	268,405.00
11/25/2020	1687 AZALEA CT	New Single Family Detached	STONE MARTIN BUILDERS	301,740.00
11/25/2020	1690 HONEYCOMB DR	New Single Family Detached	STONE MARTIN BUILDERS	280,233.00
11/30/2020	1299 BURROW CIR	New Single Family Attached	HOLLAND HOMES LLC	192,211.00
11/30/2020	648 VILLAGE DR	New Single Family Detached	HOLLAND HOMES LLC	224,809.00
11/30/2020	1295 BURROW CIR	New Single Family Attached	HOLLAND HOMES LLC	192,211.00
11/30/2020	3100 WYNDHAM INDUSTRIAL DR	Addition	EVERGREEN EROSION CONTROL LLC	200,000.00
				7,687,421.70


 Jeff Kappelman, Chief Building Inspector



City Council

204 South 7Th Street
Opelika, AL

DEFEATED

GENERAL BUSINESS (ID # 4464)

Meeting: 12/15/20 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

DOC ID: 4464

Request Alcohol License - Cracker Barrel Old Country Store Inc Dba Cracker Barrel 231 Restaurant Retail Liquor and Retail Beer on Premise License.

COMMENTS - Current Meeting:

After not receiving a second to the motion by Mr. Rauch, President Smith asked for a second to the motion so that the council could have discussion. Dr. Lofton then seconded the motion and President Smith asked if there was discussion. Dr. Lofton stated his reservation to the approval of the alcohol license was due to the family restaurant environment. President Smith asked if Cracker Barrel was introducing alcohol to it's restaurants regionally or just the stores owned by this group. Multiple people answered it would be implemented nationwide. Ali Rauch, President and CEO of the Opelika Chamber of Commerce, then stated they would be adding mimosas and coffee-type beverages to the menu but not necessarily changing their culture to creating a late-night environment.

RESULT:	FAILED [2 TO 2]
MOVER:	Todd Rauch, Council Member
SECONDER:	Robert Lofton, Council Member
AYES:	Eddie Smith, Todd Rauch
NAYS:	Erica Norris, Robert Lofton
ABSENT:	Willie Allen

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4456)**

Meeting: 12/15/20 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Darryl A White
Initiator: Lillie Finley
Sponsors:

DOC ID: 4456

Public Hearing - Weed Abatement Assessment - 104 N 9th St.**COMMENTS - Current Meeting:**

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.

WEED ABATEMENT INVOICE

Date: October 10, 2020

**To: Kasmar LLC
683 Kings Way
Auburn, AL 36830**

**Property Address:
104 N 9th St.
Opelika, AL 36801
Parcel # 10-03-07-3-001-073.000**

On September 23, 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.

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

Cost of Abatement:	<u>\$149.13</u>
Certified mail:	<u>\$6.49</u>
Misc.	<u> </u>
Total	<u>\$155.62</u>

Attachment: Weed Abatement Invoice 104 N 9th St. (4456 : Public Hearing - Weed Abatement Assessment - 104 N 9th St.)

To: **Kasmar LLC**
683 Kings Way
Auburn AL. 36830

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 104 N 9th St., Parcel 10-03-07-3-001-073.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 104 N 9th St., 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 \$155.62.

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 15th day of December, 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 10th day of October, 2020.

 Darryl White
 Code Compliance Officer

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



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4458)

Meeting: 12/15/20 07:00 PM

Department: City Clerk

Category: Demolition

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4458

Public Hearing - Demolition - 3 Oak Ct.

October 9, 2020

TO:

J or J Properties, LLC
576 Gilmer Street
Tallasse, AL 36078

Tabernacle Church of God, Inc.
f/k/a Tabernacle Church of God Jesus Only
c/o Abraham V. Harris, II, Registered Agent
406 Darden Street
Opelika, AL 36801

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, J or J Properties, LLC, 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: 3 Oak Street, Opelika, AL 36801

Legal Description: A part of Lot 5, Block C of the Mitchell Subdivision of the City of Opelika, Lee County, Alabama, as the same appears on Totten's Official Real Estate Map of the City of Opelika, Alabama, recorded in the Office of the Judge of Probate of Lee County, Alabama in Town Plat Book 2, at Page 9, more particularly described as follows:

From the west corner of said Lot 5 proceed in a northeasterly directly along the southeasterly margin of Oak Court (formerly a street) 60 feet; thence at right angles to Oak Court run southeasterly 128 feet more or less, to the south line of the property formerly conveyed to the grantor herein by deed hereinafter referred to; thence run westerly 28 feet more or less along the south line of said property of said church to a point on the southwesterly margin of said Lot 5 which is 116 feet measured along said lot line from the point of beginning on Oak Court; thence run northwesterly along the southwesterly margin of said Lot 5 116 feet to

the point of beginning. Said property is a portion of that conveyed by deed dated February 8, 1956, to Mattie Cooper, Eula Mae Edwards, Evalena Harper, Rosa Mindingall and Rev. Abraham Harris as Trustees of Bethlehem Temple Church of Apostolic Faith of Opelika, Alabama of Pentecostal Assemblies of the World, said church having been incorporated under said name and its name having been changed since its incorporation to Tabernacle Church of God of Opelika, Alabama of Pentecostal Assemblies of the World.

Parcel Identification Number: 43-10-03-08-2-002-135.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on September 8, 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.
- ☐ (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- ☒ (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, December 15, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, 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 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 October, 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:

**J or J Properties, LLC
576 Gilmore Street
Tallassee, AL 36078**

**Tabernacle Church of God, Inc.
f/k/a Tabernacle Church of God Jesus Only
c/o Abraham V. Harris, II, Registered Agent
406 Darden Street
Opelika, AL 36801**

Parcel #: 10-03-08-2-002-135.000
Property Address: 3 Oak CT
Opelika, AL 36801

Date of Notice: October 9, 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. Replace roof boards and rafters as needed.**
- **Replace all deteriorated fascia boards.**
- **Cut all grass and weeds on entire property.**
- **Replace all broken and damaged windows.**
- **Replace deteriorated exterior doors.**
- **Install new stairways and handrail/guardrails per code.**

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 9th Day of October, 2020.

Sincerely,

**David R. Chapman
Building Inspector**

COMMENTS - Current Meeting:

President Smith asked for a motion to remove the item from the agenda due to obligations being met by the owner to avoid having the property demolished at this time.

RESULT:	REMOVED FROM AGENDA [UNANIMOUS]
MOVER:	Todd Rauch, Council Member
SECONDER:	Erica Norris, President Pro-Tem
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

Photos of 3 Oak CT



Attachment: 5015 (4458 : Public Hearing - Demolition - 3 Oak Ct.)







Attachment: 5015 (4458 : Public Hearing - Demolition - 3 Oak Ct.)



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4382)

Meeting: 12/15/20 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:
DOC ID: 4382

Public Hearing - Demolition - 203 Raintree Street.

October 9, 2020

TO:

Ronald Martin
201 Raintree Street
Opelika, AL 36801

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, Ronald Martin, 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: 203 Raintree Street, Opelika, AL 36801

Legal Description: Part of Lot 1, Block 4, beginning in the Northwest corner of Lot 1; thence South 104 feet; thence East 78 feet; thence North 104 feet; thence South to the right-of-way line of Jeter Street; thence West 78 feet to the point of beginning in Palmer Subdivision, all as shown in Plat Book 2 at Page 11 in the Office of the Judge of Probate of Lee County, Alabama, and said property being in Section 8, Township 19 North, Range 27 East, Lee County, Alabama; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-2-001-118.000, according to records maintained in the Lee County Revenue Commissioner's Office.

Parcel Identification Number: 43-10-03-08-2-001-118.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on September 8, 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.
- X (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.
- X (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 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, December 15, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, 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 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 October, 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:

**Ronald Martin
201 Raintree Street
Opelika, AL 36801**

Parcel #: 10-03-08-2-001-118.000
Property Address: 203 Raintree Street
Opelika, AL 36801

Date of Notice: October 9, 2020

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

This structure will likely not be cost effective to repair. However, the repairs listed below will need to be done and not limited to the following:

Exterior:

- Tear off and re-roof entire house. Replace roof boards and rafters as needed.
- Replace all deteriorated fascia boards.
- Rebuild walls and floor system as needed throughout.
- Repair ceilings, walls and floors as needed throughout.
- Replace all broken and deteriorated windows.
- Replace all deteriorated exterior doors.

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 9th Day of October, 2020.

Sincerely,

**David R. Chapman
Building Inspector**

COMMENTS - Current Meeting:

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 demolition. No one came forward to speak. President Smith closed the public hearing.

Photos of 203 Raintree Street



Attachment: Photos of 203 Raintree Street (4382 : Public Hearing - Demolition - 203 Raintree Street.)



Attachment: Photos of 203 Raintree Street (4382 : Public Hearing - Demolition - 203 Raintree Street.)





City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4384)

Meeting: 12/15/20 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 4384

Public Hearing - Demolition - 513 Avenue C.

October 9, 2020

TO:

Lee Hanvey
P.O. Box 2659
Opelika, AL 36803

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, Lee Hanvey, 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: 513 Avenue C, Opelika, AL 36801

Legal Description: For a point of beginning commence at the intersection of the Southeasterly margin of Avenue C and the Northeasterly margin of South 6th Street in the City of Opelika, Alabama; thence run North 45 degrees 0 minutes East, along said Southeasterly margin of said Avenue C for 100.0 feet to the point of beginning of the lot herein to be described and conveyed: From said point of beginning, run South 45 degrees 0 minutes East (at right angles to said Southeasterly margin of said Avenue C) for 100.0 feet; thence run North 45 degrees 0 minutes East (parallel to said Southeasterly margin of said Avenue C) for 50.0 feet; thence run North 45 degrees 0 minutes West (at right angles to said Southeasterly margin of said Avenue C); thence run 45 degrees 0 minutes West (along said Southeasterly margin of said Avenue C) for 50.0 feet, more or less to the said point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-07-4-001-029.001, according to records maintained in the Lee County Revenue Commissioner's Office.

Parcel Identification Number: 43-10-03-07-4-001-029.001

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on August 22, 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 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, December 15, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, 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 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 October, 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:

Lee Hanvey

**P.O. Box 2659
Opelika, AL 36803**

Parcel #: 10-03-07-4-001-029.001
Property Address: 513 Avenue C
Opelika, AL 36801

Date of Notice: October 9, 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. Replace roof boards and rafters as needed.**
- **Replace all deteriorated siding.**
- **Replace all deteriorated fascia boards at building.**
- **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 building.**
- **Cut back all shrubs and trees that are growing next to the structures.**

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 and electrical 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 9th Day of October, 2020.

Sincerely,

David R. Chapman
Building Inspector

COMMENTS - Current Meeting:

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 demolition. No one came forward to speak. President Smith closed the public hearing.









Attachment: Photos of 513 Avenue C (4384 : Public Hearing - Demolition - 513 Avenue C.)



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4415)

Meeting: 12/15/20 07:00 PM

Department: Planning

Category: Zoning

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 4415

Public Hearing - Amend Zoning Ordinance & Map, 6.23 Acres, 2000 Block of Cunningham Dr.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, December 15, 2020, at 7:00 p.m. in the Courtroom of the Opelika Municipal Court Building, 300 Martin Luther King Boulevard, Opelika, Lee County, Alabama.

PURPOSE

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

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

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

From a R-4 District (Medium Density Residential District) to a C-3 District (General Commercial District), the parcel of land hereinafter described:

Parcel Subdivision of the property of W P Properties Opelika, LLC, according to and

as shown by that certain map or plat of record in Town Plat Book 36, at Page 144, in the Office of the Judge of Probate of Lee County, Alabama.

The above-described property contains 6.2 acres, more or less, and is located in the 2000 Block of Cunningham Drive, Opelika, Alabama.

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

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

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

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

WITNESS my hand this the ____ day of _____, 2020.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

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

CITY CLERK

The applicant is requesting rezoning 6.23 acres from R-4 (medium density residential) to a C-3 (general commercial) zoning district. The applicant desires to construct some large warehouse buildings. The use is more often found in a manufacturing zone, but may be allowed conditionally in the more intense commercial zones. There is C-3 zoning to the east and west of this property. The property is located on a lot largely consumed by flood plain designation. The single most dominant feature of property is the location of Pepperell Creek which runs directly through the property. Until further study of this property, it is difficult to determine how much of the property could be removed from the flood plain and is useable. There is also a proposed extension of Veterans Parkway from Pepperell Parkway to Gateway Drive. This will likely require some additional study and determination of what future land uses will be appropriate later. Staff approves the rezoning of this property based on the surrounding zoning. Use approval should be reviewed after additional flood study has occurred. At the October 27th meeting, the Planning Commission (PC) voted 6 to 0 to send a positive recommendation to CC to rezone the property. A PC Report and map are attached. This rezoning was reviewed by CC at the November 3rd CC WS.

COMMENTS - Current Meeting:

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 zoning amendment. No one came forward to speak. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Action Requested: Rezoning: 6.23 acres from R-4 to C-3

Location of Property: 2000 block of Cunningham Drive

Property Owner(s): Jason Horne, Horne Brothers, LLC.

Current Zoning: R-4 (Medium density residential)

Proposed Zoning: C-3 (General commercial)

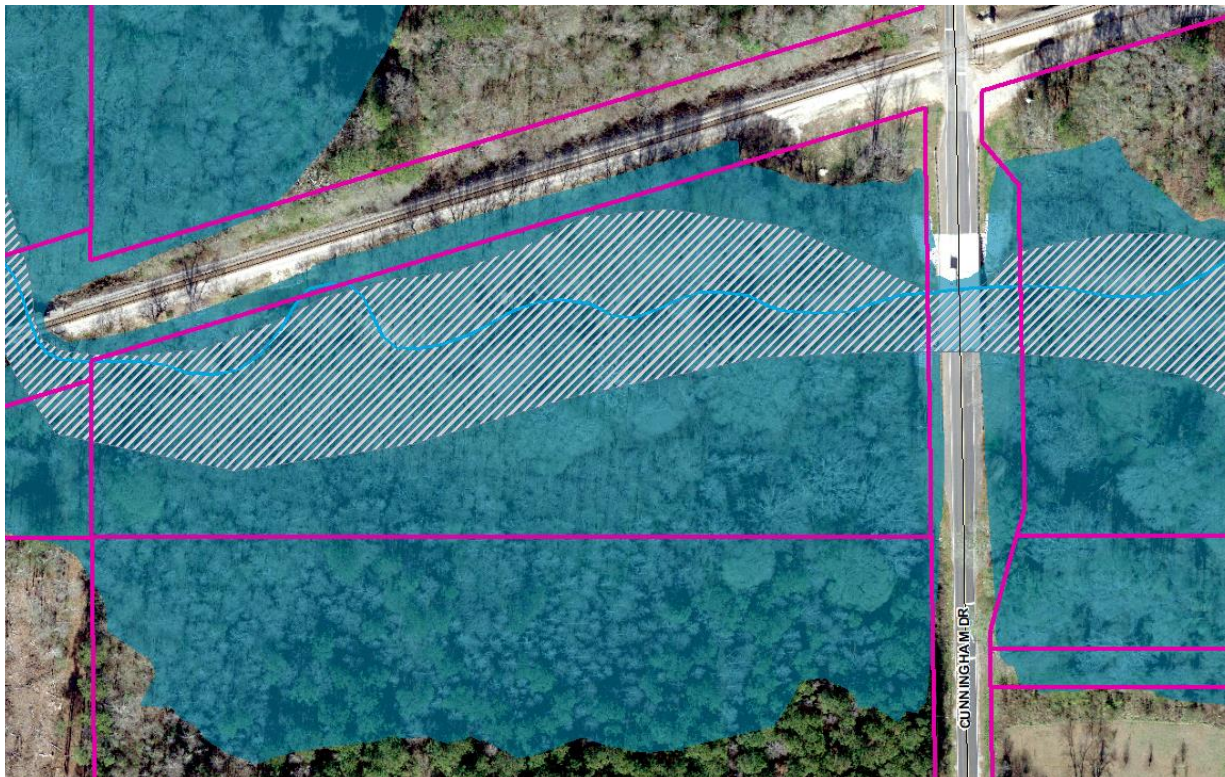
Existing Land Use: Undeveloped

Surrounding Zoning Districts

And Land Uses:	North	C-2	Office/Education (across railroad)
	South	R-4	Vacant
	East	C-3	Vacant (former WP holding ponds)
	West	C-3	Vacant

Rezoning

The applicant is requesting rezoning 6.23 acres from R-4 to C-3. The applicant desires to construct some large warehouse buildings on this property. The use is more often found in a manufacturing zone or area, but may be allowed conditionally in the more intense commercial zones. There is C-3 zoning to the east and west of this property. A R-4 zone is along the south property line. The property is located on a lot largely consumed by flood plain designation.



The single most dominant feature of this property is the location of Pepperell Creek which runs directly through the property. Currently, less than 5% of the property is located outside of a designated flood plain. Any area within the flood plain would require approval through the City of Opelika Flood Plain Ordinance. Some of the area within the flood plain is likely undevelopable under those regulations, others may require study and permitting to determine what impacts may be made or if areas can be filled. Until further study of this property has been done, it is difficult to determine how much of the property could be removed from the flood plain and is useable. There is C-3 zoning to the east and west of this property.

The second consideration with the land use in this area is the proposed extension of Veterans Parkway from Pepperell Parkway to Gateway Drive. This will likely require some additional study and determination of what future land uses will be appropriate later.

Recommendation

Staff has no issue with the rezoning of this property based on the surrounding zoning. Use approval later should be reviewed after additional flood study has occurred.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property C-3.

At the October 27th meeting, the Planning Commission voted (6 to 0) to send a positive recommendation to City Council to rezone the 6.23 acres from R-4 to C-3.



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 322-20

Meeting: 12/15/20 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 4466

Fire Uniforms - FD.

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for a contract for Fire Uniforms for the Fire Department; and

WHEREAS, Galls, Inc. submitted the lowest overall combined bid for items 1-7 and 9-16; and

WHEREAS, Victory Designs submitted the lowest bid for item 8 meeting specifications; and

WHEREAS, this is a budgeted purchase;

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

1. That the contract be awarded to Gall's, Inc. and Victory Designs on their low bids meeting specifications.
2. That the Purchasing-Revenue Manager be authorized to issue purchase orders to Gall's Inc. and Victory Designs on an as needed basis.
3. That the Mayor is hereby authorized to sign all documents pertaining to this contract.
4. That the Controller be authorized to adjust the budget as necessary for this contract.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Norris, President Pro-Tem
SECONDER:	Robert Lofton, Council Member
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

FACT SHEET

SUBJECT: Sealed Bid #21002 – We are asking the council to approve a contract for Fire Uniforms

FACTS:

- Bid opening date – 11/16/20
- User department(s) – Fire
- The bid was mailed to 22 vendors
- 4 bids were received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend contract be awarded to Galls, Inc. for items 1-7 and 9-16 and to Victory Designs for item 8 for their low bids meeting specifications on an as needed basis.**

Lillie Finley

Packet Pg. 78

Packet Pg. 79



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 323-20

Meeting: 12/15/20 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 4467

LED Flood Lights and Mounting Adapters - OPS.

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a contract for LED Flood Lights and Mounting Adapters for Opelika Power Services; and

WHEREAS, IBA LED, LLC was the lowest bidder, but did not meet specifications; and

WHEREAS, SolarMax LED, Inc. was the next lowest bidder, but did not meet specifications; and

WHEREAS, Mayer Electric Supply was the next lowest responsible bidder meeting specifications; and

WHEREAS, this is a budgeted contract;

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

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

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

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

ATTEST:

Russell A. Jones
City Clerk

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Norris, President Pro-Tem
SECONDER:	Robert Lofton, Council Member
AYES:	Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
ABSENT:	Willie Allen

FACT SHEET

SUBJECT: Sealed Bids – Bid #21003 – We are asking the council to approve a contract for LED Flood Lights and Mounting Adapters

FACTS:

- Bid opening date – 12/7/2020
- User Department – Power Services
- The bid was mailed to 16 vendors
- 6 bids were received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Mayer Electric Supply on their bid meeting specifications on an as needed basis.**

BID# 21003	DATE: 12/7/20	DEPT: OPS			16 VENDORS INVITED
DESCRIPTION: LED FLOOD LIGHTS AND MOUNTING ADAPTERS					6 BIDS RECEIVED
	ITEM 1: CREE OSQ-A-UA-60DU-40K-UL-BZ 215W LED FLOOD LIGHT				
	ITEM 2: ADAPTER UNVLB00306				
VENDOR	ITEM 1	ITEM 2	DEL	DISC	
A TO Z MUNI-DOT CO					
ACCU-TECH					
AMERICAN COMMUNICATION SYSTEMS					
ANIXTER INC	\$ 727.96	NB	--	--	
GRAYBAR ELECTRIC CO					
GRESKO UTILITY SUPPLY INC	\$ 690.00	NB	--	--	
GT KEY CO INC					
H D SUPPLY POWER SOLUTIONS LTD					
HUGHES SUPPLY INC					
INTERSTATE ELECTRICAL SUPPLY					
MAYER ELECTRIC SUPPLY CO INC	\$ 643.65	\$ 18.83	--	--	
SPECIALTY OPTICAL SYSTEMS INC					
STUART C IRBY CO					
TRAFFIC PARTS INC					
TRI-STATE UTILITY PRODUCTS INC					
WESCO DISTRIBUTION INC					
IBA LED LLC	\$ 246.00	\$ 37.00	--	5%/15	
SolarMax LED, Inc.	\$ 329.00	\$ 25.00	--	--	
NetZero USA Holdings, Inc.	\$ 1,098.00	\$ 39.00	--	--	

RESOLUTION NO. 324-20

Designate City Personal Property 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.	Library Shelving	NA
2.	1	Ea.	HC1 Blade Server	87002771
3.	1	Ea.	HC1 Blade Server	87002772
4.	1	Ea.	HC1 Blade Server	87002773
5.	1	Ea.	HC1 Blade Server	87002793
6.	1	Ea.	Switch - Catalyst	87002948
7.	1	Ea.	IBM H Ser. No. KQ24MLX	87002769

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

RESOLUTION NO. 325-20

Approve Mando America Corporation Tax Abatements and Exemptions - ED.

RESOLUTION NO. _____

**RESOLUTION APPROVING CERTAIN TAX ABATEMENTS AND
EXEMPTIONS FOR MANDO AMERICA CORPORATION**

WHEREAS, Mando America Corporation (the “Company”) operates an industrial facility (“the Facility”) in the Northeast Industrial Park within the corporate limits of the City of Opelika (the “City”); and

WHEREAS, the Company has announced plans for a major addition (the “Project”) to its existing Facility located at 4201 Northpark Drive, Opelika, Alabama, within the jurisdiction of the City; and

WHEREAS, the Project, involving a building expansion, the purchase, acquisition and installation of new manufacturing machinery, equipment, tools, fixtures and software and the acquisition of other personal property, will involve a capital investment of approximately eleven million eight hundred two thousand and three hundred dollars (\$11,802,300.00); and

WHEREAS, the Project is estimated to be placed in service by April 30, 2022; and

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

WHEREAS, the Project is expected to result in the creation of approximately four (4) new jobs; and

WHEREAS, the Company's NAICS Code 336330 meets the qualifications of an industrial or research enterprise in accordance with §40-9B-3(a)(10)(a)(1), *Code of Alabama*, as amended; and

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

WHEREAS, the Company has 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 has requested from the City a complete exemption of non-educational City ad valorem taxes for the new machinery, equipment and other new personal property to be acquired and installed in the Facility (the "Project"); and

WHEREAS, the City has considered the request of the Company and completed form CO:CAA Application to Granting Authority for Abatement of Taxes (copy attached) filed by the Company in connection with its request; and

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

WHEREAS, the Project will involve a capital investment of approximately eleven

million eight hundred two thousand three hundred dollars (\$11,802,300.00); and

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

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

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

WHEREAS, the City wishes to secure the numerous and significant benefits to the City, its business community and residents that will likely result from the Project.

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

1. Approval is hereby given to the application of the Company and abatement is hereby authorized of (1) all state and local non-educational property taxes for a period of ten (10) years; and (2) all construction related transaction (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 Section 40-9B-3(a)12 of the Act.

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

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

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

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

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

resolution.

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

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

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

ATTEST:

CITY CLERK

RESOLUTION NO. 326-20

Approve Installation of Four (4) Electronic School Speed Zone Warning Signs - PW.

RESOLUTION NO. _____

**RESOLUTION RELATING TO INSTALLATION, OPERATION AND MAINTENANCE
OF FOUR (4) ELECTRONIC SCHOOL SPEED ZONE WARNING SIGNS**

WHEREAS, the City of Opelika (the “City”) proposes to install, operate and maintain four (4) electronic school zone speed warning signs (the “Signs”) on Alabama Department of Transportation (“ALDOT”) right-of-way located and described as follows:

Two signs on U.S. Highway 431 (Bulldog Parkway) in front of or near Opelika High School

Two (2) signs on Highway 51 in front of or near Southview Primary School; and

WHEREAS, as a condition of installing said Signs, ALDOT has requested certain commitments and agreements from the City.

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

1. That the Signs shall be installed, operated and maintained at the sole expense of the City. The City agrees to provide electrical energy on a continuing basis as required. The City agrees further to maintain the Signs and associated hardware in good state of repair at all times, as required in accordance with the Manual on Uniform Traffic Control Devices and the Alabama Department of Transportation standard specifications for highway construction and applicable special provisions.

2. Subject to limitations on damages applicable to municipal corporations under Alabama Code §11-47-190 (1975), the City shall indemnify, defend and hold harmless the State of Alabama, ALDOT, its officers, officials, agents, servants and employees, in their official and individual capacities from and against all claims, damages, losses and expenses, including but

not limited to attorney's fees, arising out of or resulting from the installation, operation and maintenance of the Signs and/or associated hardware, or any claim, damage, loss or expense to person or property caused thereby.

3. That the City agrees that ALDOT reserves the right to demand removal of the Signs and/or associated hardware should ALDOT determine that the Signs are no longer required or deem their condition or operation hazardous.

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

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

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

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

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

RESOLUTION NO. 327-20

Approve Contract for Career Firefighter Cancer Insurance - HR.

RESOLUTION NO. _____

**RESOLUTION APPROVING CONTRACT FOR CAREER FIREFIGHTER CANCER
SUPPLEMENTAL INSURANCE COVERAGE WITH CHUBB INSURANCE
COMPANY**

WHEREAS, Act No. 2019-361, effective January 1, 2020, requires local governments to provide career firefighters with statutory cancer supplemental insurance (critical illness and long-term disability); and

WHEREAS, CHUBB Insurance Company, acting through Cobbs Allen as broker, offers standard statutory cancer coverage for career firefighters; and

WHEREAS, the annual premium for standard statutory coverage is \$186.48 per covered employee; and

WHEREAS, a proposal for statutory cancer coverage, a copy of which is attached hereto and incorporated herein by reference as Exhibit “A”, has been prepared by CHUBB Insurance Company and submitted to the City Council for approval; and

WHEREAS, the City of Opelika (the “City”) desires to contract with CHUBB Insurance Company for standard statutory cancer coverage for career firefighters; and

WHEREAS, the total annual premium for said supplemental insurance, estimated to be approximately \$13,000, will be paid from the Fire Department budget.

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 apply to CHUBB Insurance Company, through Cobbs Allen as broker, for standard statutory cancer coverage for all career firefighters.

2. That the Mayor is hereby authorized to act on behalf of the City and to enter into a contract with CHUBB Insurance Company for standard statutory cancer supplemental coverage for career firefighters.

3. That the total annual premium to be paid by the City, estimated to be approximately \$13,000, shall be paid from the Fire Department. The Controller is hereby authorized and directed to make the appropriate budget adjustments necessary to carry out the transactions contemplated by this Resolution.

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

5. That the Purchasing/Revenue Manager is hereby authorized and directed to issue appropriate purchase orders to CHUBB Insurance Company (Cobb Allen) for the premiums outlined above.

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

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

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

Alabama Firefighter Cancer Insurance

CHUBB®

Designed for:
City of Opelika
204 South 7th Street, Opelika, AL 36801

Accident & Health

Schedule of Benefits

Chubb Accident & Health is pleased to offer a proposal for cancer insurance underwritten by ACE American Insurance Company. This proposal is valid until the earlier of the proposed effective date or 90 days after the date it is issued. If by that date you have not accepted the terms we have offered in this proposal, it will no longer be valid. If you accept the terms of this proposal, coverage is subject to Chubb's determination that trade or economic sanctions or regulations do not prohibit us from binding coverage.

The U.S. Foreign Account Tax Compliance Act, commonly known as "FATCA", became the law in the U.S. in March of 2010 and becomes effective July 1, 2014. Pursuant to FATCA, brokers, producers, agents and/or clients may need to obtain withholding certificates from insurance companies. For information on how to obtain the applicable withholding certificate from Chubb U.S. insurance companies, please go to <https://www2.chubb.com/us-en/tax-information-reporting-withholding.aspx>.

Date Issued	December 04, 2020
Proposed Effective Date	January 1, 2021 to January 1, 2022
Policy Number	PTP N17938320

Eligibility

- | | |
|----------|--|
| Class 1: | All active Career Firefighters of the Policyholder who have served 12 consecutive months as a firefighter. |
| Class 2: | All Certified Volunteer Firefighters of the Policyholder who have served 12 consecutive months as a firefighter. |
| Class 3: | All Non-Certified Volunteer Firefighters of the Policyholder who have served 12 consecutive months as a firefighter. |

A person may be insured only under one Class of Eligible Persons even though he or she may be eligible under more than one class.

Exposure

Number of Career Firefighters:	64
Number of Certified Volunteer Firefighters:	0
Number of Non-Certified Volunteer Firefighters:	0

Annual Premium	\$11,776
Commission	10%
Rate Guarantee	1 year

Statutory Plan Benefits

Class 1, 2 & 3

Lump Sum Cancer Benefits

Early Stage Cancer Benefit:	\$6,250
Advanced Cancer Benefit:	\$25,000
Lifetime Maximum for Lump Sum Cancer Benefits:	\$50,000

Class 1 & 2

Disability Benefit

Monthly Benefit Amount:	\$3,000, minus Other Income Benefits
Benefit Waiting Period:	6 months from the date of the Total Disability
Maximum Benefit Period:	36 months

Class 3

Disability Benefit

Monthly Benefit Amount:	\$1,500, minus Other Income Benefits
Benefit Waiting Period:	6 months from the date of the Total Disability
Maximum Benefit Period:	36 months

“Covered Cancer” means a Cancer that was Diagnosed during the Policy Term. Covered Cancer includes only the following types of cancer: bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, and thyroid cancer; leukemia; multiple myeloma; Hodgkin’s lymphoma or non-Hodgkin’s lymphoma.

This information is a brief description of the important features of the proposed insurance plan underwritten by ACE American Insurance Company. It is not a contract of insurance. Coverage may not be available in all states or certain terms may be different if required by state law. Chubb NA is the U.S.-based operating division of the Chubb Group of Companies, headed by Chubb Ltd. (NYSE:CB) Insurance products and services are provided by Chubb Insurance underwriting companies and not by the parent company itself.

Exclusions

We will only pay benefits for a Covered Cancer. We will not pay benefits for:

- any illness, sickness or disease except for a Covered Cancer Diagnosed while coverage under this Policy is in force.
- any other disease or incapacity that has been caused, complicated, worsened or affected by, or as a result of, Covered Cancer.
- a Covered Cancer or treatment of a Covered Cancer that is Diagnosed prior to the Effective Date of an Insured’s coverage.
- for war or any act of war, whether declared or not.

This insurance does not apply to the extent that trade or economic sanctions or other laws or regulations prohibit Us from providing insurance, including, but not limited to, the payment of claims.

About Chubb

In January 2016, ACE Limited acquired The Chubb Corporation and adopted the renowned Chubb name globally. Chubb is the world's largest publicly traded property and casualty insurer. With operations in 54 countries, Chubb provides commercial and personal property and casualty insurance, personal accident and supplemental health insurance, reinsurance and life insurance to a diverse group of clients.

Chubb N.A. Accident & Health, a U.S.-based marketing division of the Chubb Group of Companies, is headquartered in Philadelphia, Pennsylvania. We are committed to a market-driven philosophy—responding to the special needs of our customers with insurance solutions that provide stability in an ever-changing market. Our superior underwriting expertise and solid financial strength provide the competitive advantage we need to distinguish ourselves in that marketplace. We offer innovative solutions by partnering with other Chubb businesses and teaming with specialty producers to provide a full range of global products and services.

We recognize that serious injuries can have a devastating impact on individuals and the families that survive them. That is why Chubb Accident & Health's corporate accident and sickness portfolio includes a breadth of products flexible enough to meet the needs of small, mid-size, and large Fortune 1000 companies with multinational employee populations around the world. These programs are available on an occupational, non-occupational, or 24-hour basis and may be packaged and administered as a single program. They can help to provide the critical financial security and resources necessary to deal with catastrophic loss.

For more information about our products and services, please visit www.chubb.com/accident

Chubb Strength

When you choose Chubb, you're relying on one of the strongest carriers in the market: a specialty Accident & Health carrier with the experience and financial strength to offer rich options, broad coverages and high benefit limits at competitive rates.



Letter of Intent

It is our intention to accept the proposal of the Cancer Insurance Policy offered by ACE American Insurance Company, a member insurer of the Chubb Group of Insurance Companies.

Signature: _____

Title: _____

Company: _____

Date: _____

Effective Date of Coverage: _____

This information is a brief description of the important features of the insurance plan underwritten by ACE American Insurance Company. It is not a contract of insurance and may be subject to change based on the underwriting requirements of the company. Coverage may not be available in all states or certain terms may be different where required by state law.

Chubb is the marketing name used to refer to subsidiaries of Chubb Limited providing insurance and related services. For a list of these subsidiaries, please visit our website at www.chubb.com. Insurance provided by U.S. based Chubb underwriting companies.

RESOLUTION NO. 328-20

Approve License Agreement - Sidewalk Use for Balcony, Cannon Real Estate Holdings, LLC, -
Dickson Building.

RESOLUTION NO. _____

**RESOLUTION APPROVING NON-EXCLUSIVE SIDEWALK USE LICENSE
AGREEMENT WITH CANNON REAL ESTATE HOLDINGS, LLC TO ERECT, BUILD
AND MAINTAIN A WRAP-AROUND BALCONY ATTACHED TO THE EXTERIOR
FAÇADE OF THE BUILDING LOCATED AT 100 SOUTH 8TH STREET**

WHEREAS, Cannon Real Estate Holdings, LLC, (hereinafter referred to as “Licensee”) is the owner of the Dickson building located at 100 South 8th Street (the “building”) in the City of Opelika, Alabama; and

WHEREAS, Licensee has requested permission of the City to construct a second-floor wrap-around balcony attached to the exterior façade of the Dickson building; and

WHEREAS, said balcony will be built with steel columns that support the balcony attached to the sidewalks abutting upon South 8th Street and South Railroad Avenue; and

WHEREAS, the Licensee has submitted to the City Council drawings depicting the location of the balcony and its supporting columns; and

WHEREAS, the Opelika Historic Preservation Commission has heretofore approved the construction of said balcony in accordance with said drawings; and

WHEREAS, a certain Non-Exclusive Sidewalk Use License Agreement (the “License Agreement”) has been prepared and submitted to the City Council for approval and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Agreement; and

WHEREAS, the City Council is willing to grant Licensee a license to construct, erect, maintain and use said balcony, subject to the covenants and conditions contained in said License Agreement.

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

1. The proposed Non-Exclusive Sidewalk Use License Agreement to be entered into between the City of Opelika, as Licensor, and Cannon Real Estate Holdings, LLC, as Licensee, a copy of which is attached hereto and marked Exhibit “A”, is hereby approved, authorized, ratified and confirmed.

2. The Mayor is hereby authorized to execute and deliver said License Agreement in the name and on behalf of the City of Opelika and the City Clerk is authorized to attest the same.

3. A license is hereby granted to Cannon Real Estate Holdings, LLC to erect, build and maintain said wrap-around balcony in accordance with the provisions with said License Agreement and the drawings submitted by the Licensee to the City of Opelika.

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

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

ATTEST:

CITY CLERK

STATE OF ALABAMA

COUNTY OF LEE

NON-EXCLUSIVE SIDEWALK USE LICENSE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that **WHEREAS**, Cannon Real Estate Holdings, LLC (hereinafter called “Licensee”) is the owner of the Dickson building located at 100 South 8th Street (the “ Dickson building”) in the City of Opelika, Alabama; and

WHEREAS, Licensee has requested the permission of the City of Opelika, a municipal corporation (hereinafter called “Licensor”) to construct a second-floor wrap-around balcony attached to the exterior façade of the Dickson building; and

WHEREAS, the proposed balcony is proposed to be built with steel columns that will support the balcony attached to the sidewalks abutting upon South 8th Street and South Railroad Avenue; and

WHEREAS, the proposed balcony will encroach into the South 8th Street sidewalk right-of-way and the South Railroad Avenue sidewalk right-of-way (the “Licensed Premises”); and

WHEREAS, the Licensor is willing to grant Licensee permission to construct, erect, and maintain said balcony and supporting columns, subject to the covenants and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Licensor and Licensee agree as follows:

1. **Grant of License.** Licensor hereby grants to Licensee a non-exclusive, revocable right, privilege and license to use that portion of the South 8th Street sidewalk right-of-way and the South Railroad Avenue sidewalk right-of-way described and depicted in Exhibit “A” attached hereto and made a part hereof (the “Licensed Premises”) to construct, erect, build,

maintain and use a wrap-around balcony as depicted and described in Exhibit “A”. The balcony shall be supported by five (5) columns attached to the sidewalk abutting upon South 8th Street and by ten (10) columns attached to the sidewalk abutting upon South Railroad Avenue. The balcony is anticipated to have an encroachment area of approximately 240 square feet into the South 8th Street sidewalk right-of-way and 630 square feet into the South Railroad Avenue sidewalk right-of-way. The structure is proposed to extend 6 feet into the existing South 8th Street sidewalk and 6 feet into the existing South Railroad Avenue sidewalk. The location of the balcony and the supporting columns shall be restricted to the area shown and designated on the attached drawing. Said balcony and supporting columns shall be constructed in accordance with detailed plans and specifications approved by the City Engineer and the Building Official of the City of Opelika. The License herein granted shall be subject to all existing utility easements. The Licensee agrees that it will not expand or enlarge the balcony without the written consent of the City.

2. **Term.** This Agreement and the License granted to Licensee hereunder shall commence on the date of this Agreement and shall continue until terminated in accordance with the terms of this Agreement.

3. **Consideration.** The consideration to be paid by Licensee to the City for the privilege granted by this Agreement shall be one dollar (\$1.00), the receipt of which is hereby acknowledged by the City.

4. **No Interest in Land.** The Licensee hereby acknowledges title of the City to the public rights-of-way described above and agrees never to assail, resist or deny such title. Licensee understands, acknowledges and agrees that this Agreement does not create an interest or an estate in Licensee’s favor in the City’s rights-of-way. The City retains legal possession of

the full boundaries of its rights-of-way, and this Agreement merely grants to Licensee a privilege and license to use the Licensed Premises described above throughout the term of this Agreement.

5. **No Vested Rights.** Notwithstanding any expenditure of money, time and/or labor by Licensee within the Licensed Premises, this Agreement shall in no event be construed to create an assignment coupled with an interest or any vested rights in the favor of the Licensee. Licensee shall expend any time, money or labor on and within the Licensed Premises at Licensee's own risk and peril.

6. **Maintenance.** As an important condition of the Licensors agreeing to this License, Licensee agrees that the balcony described herein shall be maintained at all times in a safe, neat, sightly and in good physical condition in accordance with all requirements of the Licensors ordinances and building codes. During the term of this Agreement, Licensee shall, at Licensee's sole cost and expense, maintain said balcony in good condition and in compliance with any applicable requirements of law. The Licensors shall be the sole judge of the quality of the maintenance and, upon written notice of the Licensors stating in general terms how and in what manner maintenance is required, Licensee shall be required to perform such maintenance. If Licensee shall fail to do so, then the Licensors shall have the right to perform such maintenance, the full and complete cost of which shall be borne by Licensee. Licensee covenants and agrees to reimburse the City its full cost and expense for such maintenance.

7. **Compliance With Laws.** Licensee shall comply with all applicable codes, ordinances and regulations of local, state and federal governments in the exercise of its use of the Licensed Premises. This requirement shall include, but not be limited to, compliance with the Americans With Disabilities Act, as well as local ordinances and regulations relating to occupancy loads and unobstructed passageways, entrances and exits.

8. **Indemnification.** To the fullest extent permitted by law, Licensee agrees to defend, indemnify and hold harmless the Licensor, its governing body, officers, agents, servants, employees, boards and commissions from and against any and all losses, claims, damages or liability (including reasonable attorney's fees) whatsoever arising out of the use of the Licensed Premises and the use and maintenance of the encroaching balcony, including, but not limited to all claims, demands, damages and liabilities arising directly or indirectly from personal injury, including death, and property damages caused by the use and maintenance of said balcony and its supporting columns. In the event of any action against the Licensor, its officers, agents, servants, employees, boards or commissions covered by the foregoing duty to defend, indemnify and hold harmless, such action shall be defended by legal counsel of the Licensor's choosing. The provisions of this paragraph shall survive any termination and/or expiration of this Agreement.

9. **Insurance.** Licensee shall obtain and continuously maintain in effect at all times during the term hereof, at Licensee's sole expense, commercial general liability coverage with limits not less than those set forth below. This policy shall be an occurrence-type policy and shall protect the Licensee and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Licensee or its agents and employees) and damage to the property of the Licensor or others arising out of the act or omission of the Licensee or its agents, contractors and employees. This policy shall also include protection against claims for contractual liability assumed by Licensee under the indemnification paragraph of this Agreement. Coverage shall not be less than:

\$1,000,000	General Aggregate
\$1,000,000	Each Occurrence

Insurance policies required herein shall be drawn in the name of the Licensee, with the Licensors, its governing body, officers, agents, servants, employees, boards and commissions as named additional insureds. At or before the time of execution of this Agreement, Licensee shall furnish the Licensors' Risk Manager with certificates of insurance as evidence that all policies required herein are in full force and effect and shall provide the required coverages and limits of insurance. These certificates shall provide that any company issuing an insurance policy shall provide to Licensors not less than thirty (30) days' advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. Procurement of such policy of insurance shall not be construed to be a limitation upon Licensee's liability or as a full performance on its part of the indemnification provisions of this Agreement.

10. **Termination.** This Agreement and the License herein granted to Licensee may be terminated by either party for any reason or no reason upon giving ninety (90) days' written notice. In addition, this Agreement may be terminated by the Licensors upon five (5) days' written notice to Licensee of a breach of any term or condition of this Agreement.

11. **Removal of Encroachment Upon Termination.** At such time as this Agreement and License herein granted to Licensee is terminated, Licensee shall, at the option of Licensors, remove, at Licensee's sole cost and expense, any and all encroachments or improvements owned or maintained by Licensee in the Licensors' rights-of-way.

12. **Breach and Limitation of Damages.** If either party violates or breaches any term of this Agreement, such violation or breach shall be deemed to constitute a default and the other party shall have the right to seek such administrative, contractual or legal remedies as may be suitable for such violation or breach; provided, however, that in no event shall Licensors be liable to Licensee for monetary damages of any kind relating to or arising from any breach of

this Agreement, and no action of any kind shall be commenced by Licensee against the Licensor for monetary damages. In the event any legal action is brought by Licensor for the enforcement of any obligations of Licensee relating to or arising from this Agreement, and the Licensor is the prevailing party in such action, the Licensor shall be entitled to recover from Licensee reasonable attorney's fees.

13. **Notice.** Any notice required or permitted under this Agreement shall be in writing and shall be sufficient if personally delivered or mailed by certified mail, return receipt requested, addressed as follows:

To the City:
Mayor, City of Opelika
P.O. Box 390
Opelika, AL 36803

To Licensee:
Cannon Real Estate Holdings, LLC
715 Avenue A, Suite 200
Opelika, AL 36801

Notices mailed in accordance with the provisions of this paragraph shall be deemed to have been given on the third business day following the mailing. Notices personally delivered shall be deemed to be given upon delivery.

14. **No Joint Venture or Partnership.** This Agreement shall not be construed so as to create a joint venture, partnership or other agency relationship between the parties hereto.

15. **No Personal Liability.** No official, officer, agent or employer of Licensor shall be charged personally or held contractually liable under any term or provision of this Agreement or because of their execution, approval or attempted execution of this Agreement.

16. **Severability.** The terms of this Agreement shall be severable. In the event any of the terms or provisions of this Agreement are deemed to be void or otherwise unenforceable, for any reason, the remainder of this Agreement shall remain in full force and effect.

17. **Governing Law.** This Agreement shall be subject to and governed by the laws of the State of Alabama. The venue for resolution of any disputes or enforcement of any rights arising out of or in conjunction with this Agreement shall be in the Circuit Court of Lee County, Alabama.

18. **Reference in Agreement.** All references in this Agreement to the singular shall include the plural where applicable, and all references to the masculine shall include the feminine and vice versa. If either reference shall be declared invalid, such decision shall not affect the validity of any of the remaining portion that shall remain in full force and effect.

19. **Multiple Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

20. **Paragraph Heading.** Headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.

21. **Binding on the Parties.** This Agreement shall be binding upon the parties hereto and their respective successors and permitted assigns.

22. **Assignment.** This Agreement and the limited obligations herein may not be assigned without the expressed written consent of each of the parties hereto.

23. **Entire Agreement.** This Agreement and its exhibits constitute the entire agreement and understanding between the parties and supersedes any prior agreement or understanding related to the subject matter of this Agreement.

24. **Modification.** This Agreement may be changed, modified or amended only by a duly authorized written instrument executed by the parties hereto. Each party agrees that no

representations or warranties shall be binding upon the other party unless expressed in writing herein or in a duly authorized and executed amendment hereof.

IN WITNESS WHEREOF, the parties hereunto have caused this Agreement to be duly executed by their duly authorized officers as of the _____ day of December, 2020.

CITY OF OPELIKA, A MUNICIPAL CORPORATION
LICENSOR

By: _____
Its Mayor

ATTEST:

CITY CLERK

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that GARY FULLER and RUSSELL A. JONES, whose names as Mayor and City Clerk respectively, of the City of Opelika, Alabama, are signed to the foregoing instrument, and who are known to me, acknowledged before me this day, that, being informed of the contents of said instrument they, as such officers and with full authority, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office this the ____ day of December, 2020.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

CANNON REAL ESTATE HOLDINGS, LLC

By: _____
 RACE CANNON, ITS MANAGING MEMBER
 Licensee

STATE OF ALABAMA
 COUNTY OF LEE

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that RACE CANNON, whose name as Managing Manager of Cannon Real Estate Holdings, LLC, is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that, being informed of the contents of said instrument he, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office this the ____ day of December, 2020.

 NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

RESOLUTION NO. 329-20

Weed Abatement Assessment - 104 N 9th St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
104 N 9th St., Parcel No. 073.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 104 N 9th St., 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 104 N 9th St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 15th day of December, 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 \$155.62 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 104 N 9th St., 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 43-10-03-07-3-001-073.000 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

WEED ABATEMENT INVOICE**Date: October 10, 2020****To: Kasmar LLC
683 Kings Way
Auburn, AL 36830****Property Address:
104 N 9th St.
Opelika, AL 36801
Parcel # 10-03-07-3-001-073.000**

On September 23, 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.

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

Cost of Abatement:	<u>\$149.13</u>
Certified mail:	<u>\$6.49</u>
Misc.	<u> </u>
Total	<u>\$155.62</u>

Attachment: Weed Abatement Invoice 104 N 9th St. (329-20 : Weed Abatement Assessment - 104 N 9th St.)

RESOLUTION NO. (ID # 4459)

Demolition - 3 Oak Ct.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE
LOCATED AT 3 OAK STREET, OPELIKA, ALABAMA, 36801, PARCEL ID NO.: 43-10-
03-08-2-002-135.000 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 3 Oak Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-002-135.000, (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, J or J Properties, LLC, 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, J or J Properties, LLC, is the entity last assessing the subject property for state taxes; and

WHEREAS, Tabernacle Church of God, f/k/a Tabernacle Church of God Jesus Only, may have a right of redemption after the sale of the subject property on May 6, 2015 for payment of 2014 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 J or J Properties, LLC, 576 Gilmer Street, Tallassee, AL 36078 and to Tabernacle Church of God, Inc., c/o Abraham V. Harris, II, 406 Darden Street, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, December 15, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, 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 3 Oak Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, December 15, 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 3 Oak Street, 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 3 Oak Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-002-135.000, 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:

A part of Lot 5, Block C of the Mitchell Subdivision of the City of Opelika, Lee County, Alabama, as the same appears on Totten's Official Real Estate Map of the City of Opelika, Alabama, recorded in the Office of the Judge of Probate of Lee County, Alabama in Town Plat Book 2, at Page 9, more particularly described as follows:

From the west corner of said Lot 5 proceed in a northeasterly directly along the southeasterly margin of Oak Court (formerly a street) 60 feet; thence at right angles to Oak Court run southeasterly 128 feet more or less, to the south line of the property formerly conveyed to the grantor herein by deed hereinafter referred to; thence run westerly 28 feet more or less along the south line of said property of said church to a point on the southwesterly margin of said Lot 5 which is 116 feet measured along said lot line from the point of beginning on Oak Court; thence run northwesterly along the southwesterly margin of said Lot 5 116 feet to the point of beginning. Said property is a portion of that conveyed by deed dated February 8, 1956, to Mattie Cooper, Eula Mae Edwards, Evalena Harper, Rosa Mindingall and Rev. Abraham Harris as Trustees of Bethlehem Temple Church of Apostolic Faith of Opelika, Alabama of Pentecostal Assemblies of the World,

said church having been incorporated under said name and its name having been changed since its incorporation to Tabernacle Church of God of Opelika, Alabama of Pentecostal Assemblies of the World.

Also being further described as Parcel Number 43-10-03-08-2-002-135.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

upon which the building or structure was located and shall constitute a lien on the property for the amount of the assessment.

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

ADOPTED AND APPROVED this the _____ day of _____ 2020.

PRESIDENT OF THE CITY COUNCIL
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: J or J Properties, LLC
576 Gilmer Street
Tallassee, AL 36078

Tabernacle Church of God, Inc.
c/o Abraham V. Harris, II, Registered Agent
406 Darden Street
Opelika, AL 36801

RESOLUTION NO. 330-20

Demolition - 203 Raintree Street.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE
LOCATED AT 203 RAINTREE STREET, OPELIKA, ALABAMA 36801, PARCEL ID
NO.: 43-10-03-08-2-001-118.000 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 203 Raintree Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-001-118.000, (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, Ronald Martin 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, Ronald Martin is the owner 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 Ronald Martin, 201 Raintree Street, Opelika, AL 36801; and

WHEREAS, contemporaneous with the filing of the “Notice of Dangerous Building,

Finding of Public Nuisance and Order to Remedy”, a copy of the same was posted at or within three (3) feet of an entrance to the building on the subject property; and

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

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

WHEREAS, Tuesday, December 15, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, 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 203 Raintree Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, December 15, 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 203 Raintree Street, 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 203 Raintree Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-001-118.000, 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:

Part of Lot 1, Block 4, beginning in the Northwest corner of Lot 1; thence South 104 feet; thence East 78 feet; thence North 104 feet; thence South to the right-of-way line of Jeter Street; thence West 78 feet to the point of beginning in Palmer Subdivision, all as shown in Plat Book 2 at Page 11 in the Office of the Judge of Probate of Lee County, Alabama, and said property being in Section 8, Township 19 North, Range 27 East, Lee County, Alabama; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-2-001-118.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2020.

PRESIDENT OF THE CITY COUNCIL
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Ronald Martin
201 Raintree Street
Opelika, AL 36801

RESOLUTION NO. 331-20

Demolition - 513 Avenue C.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE
LOCATED AT 513 AVENUE C, OPELIKA, ALABAMA 36801, PARCEL ID NO.: 43-10-
03-07-4-001-029-001 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 513 Avenue C, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-07-4-001-029.001, (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, Lee Hanvey 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, Lee Hanvey is the owner 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 Lee Hanvey, P.O. Box 2659, Opelika, AL 36803; 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, December 15, 2020, at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, 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 513 Avenue C is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, December 15, 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 513 Avenue C, 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 513 Avenue C, Opelika, Alabama, Parcel I.D. Number: 43-10-03-07-4-001-029.001, 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:

For a point of beginning commence at the intersection of the Southeasterly margin of Avenue C and the Northeasterly margin of South 6th Street in the City of Opelika, Alabama; thence run North 45 degrees 0 minutes East, along said Southeasterly margin of said Avenue C for 100.0 feet to the point of beginning of the lot herein to be described and conveyed: From said point of beginning, run South 45 degrees 0 minutes East (at right angles to said Southeasterly margin of said Avenue C) for 100.0 feet; thence run North 45 degrees 0 minutes East (parallel to said Southeasterly margin of said Avenue C) for 50.0 feet; thence run North 45 degrees 0 minutes West (at right angles to said Southeasterly margin of said Avenue C); thence run 45 degrees 0 minutes West (along said Southeasterly margin of said Avenue C) for 50.0 feet, more or less to the said point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-07-4-001-029.001, according to records maintained in the Lee County Revenue Commissioner's Office.

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

resulting from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2020.

PRESIDENT OF THE CITY COUNCIL

CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Lee Hanvey
P.O. Box 2659
Opelika, AL 36803

RESOLUTION NO. 332-20

Reappointment of Municipal Judge and Public Defender for the Municipal Court.

RESOLUTION NO. _____

**RESOLUTION APPOINTING A MUNICIPAL JUDGE AND
PUBLIC DEFENDER FOR THE MUNICIPAL COURT**

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

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

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

WHEREAS, Honorable John Wesley McCollum, Jr., has been serving as a part-time municipal judge and the City Council desires to reappoint Judge McCollum; and

WHEREAS, §12-14-9, *Code of Alabama*, 1975, requires all municipalities which retain municipal courts to provide indigent defense services as authorized and provided by law; and

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

WHEREAS, M. Joanne Camp has been serving as the public defender of the Municipal Court of the City of Opelika, and the City Council desires to reappoint Ms. Camp as public defender.

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

Alabama, as follows:

1. That Honorable John Wesley McCollum, Jr., is reappointed as part-time Municipal Judge of the Municipal Court of the City of Opelika for a two-year term beginning January 2, 2021 and ending January 1, 2023, upon the taking of the oath of office and the compensation affixed to his position is provided by separate resolution.

2. That M. Joanne Camp is reappointed as the Public Defender of the Municipal Court of the City of Opelika for a two-year term beginning January 2, 2021 and ending January 1, 2023, and the compensation affixed to her position is provided by separate resolution.

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

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

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

ATTEST:

CITY CLERK

RESOLUTION NO. 333-20

Annual Appropriation Contract FY2021 with Opelika Chamber of Commerce.**RESOLUTION NO. _____****BE IT RESOLVED** by the City Council of the City of Opelika as follows:

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

of Opelika and the Opelika Chamber of Commerce, a copy of which is hereto attached as

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

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

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

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

and to attest the same, and the Mayor shall deliver one copy to the Opelika Chamber of

Commerce, and retain one copy.

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

STATE OF ALABAMA
LEE COUNTY

CONTRACT FOR SERVICES BETWEEN THE CITY OF OPELIKA AND
THE OPELIKA CHAMBER OF COMMERCE, INC.

THIS CONTRACT made and entered into by and between the City of Opelika, Alabama, a municipal corporation, herein after referred to as "City", and the Opelika Chamber of Commerce, Inc., a Non-Profit Corporation, hereinafter referred to as "Chamber", as of this 8th day of December, 2020.

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

The term of the agreement shall be for a period of one (1) year commencing October 1, 2020 and ending September 30, 2021. At the end of each year this contract may be renewed by mutual agreement between parties.

1. The Opelika Chamber of Commerce has engaged in a contractual agreement to maintain a positive working relationship with all city departments, and will work to build economic and member vitality through these four initiatives, which will in turn provide value & services to the citizens, business owners, employees & visitors of the City.

Initiative 1: Partnerships

- Provide information & visitor services to citizens & visitors alike, acting as an initial and ongoing informational hub for all inquiries.
- Support community relations team across various city departments to raise awareness & reputation of City as a whole.
- Act as the small business liaison between citizens & the city to 1) assist entrepreneurs in the new business startup process, and 2) to stay abreast of all business-related issues in our community.
- Maintain an active role in all workforce development activities, including serving on the Region 5 Workforce Council, Vets Choose Opelika, Career Discovery Program, and working with Southern Union State Community College (SUSCC) and Opelika City Schools (OCS) on new initiatives to aid in the process.
- In conjunction with Auburn Opelika Tourism, serve as the official hosts for visiting groups by coordinating tours, maintaining the welcome center, & more, as needed.

Initiative 2: Programming

- Offer informational programs throughout the city that provide an avenue for citizens & local leaders to interact, connect & take action on topics of interest to constituents. These programs may include, but are not limited to the following:

- Annual Meeting	- Business After Hours
- Business Leaders Reception	- Candidate Forum
- Business over Breakfast	- Educators Breakfast

- First Responders Appr'n Event
- Golf Tournament
- Industry Tours
- Legislative Reception
- Mayoral Address
- Professional Development Series
- Women's Business Council

- Execute leadership development programs for people of all ages, to include Lee County Young Leaders, Leadership Lee County & Opelika's Top 20 Under 40. A maximum of 3 spots will be reserved annually in the 20 under 40 program for City of Opelika employees, however, applications will be required for consideration. All applications will be reviewed by the 20 Under 40 Board of Directors and class selection will be made based on quality of all applicants.
- Plan & Execute Intercity Tours on an as needed basis for the purpose of fellowship between local organizations and the city, research & development for processes and design opportunities, and to celebrate our accomplishments as a city.
- Coordinate State & National Capitol Trips for members & city officials (should they choose to participate) on an as needed basis, offering constituents an opportunity to communicate important issues to their elected officials.

Initiative 3: Education

- Cultivate relationships with all Southern Union State Community College (SUSCC) and Opelika City School (OCS) officials & teachers and serve as a resource to fulfill their community needs as it relates to education.
- Support and assist with annual events, luncheons, tours & training seminars to support OCS on behalf of the local business community.
- Produce the annual "Opelika Lifestyle Magazine" to promote and encourage relocation to Opelika, which will be distributed across hotels, businesses, and included in all relocation packets distributed within City.
- Develop and distribute Relocation packets/services upon request.
- Determine needs of local constituents and build and offer educational programs to enhance their business & economic success and improve overall livelihood.
- Complete the annual Cost of Living Survey.

Initiative 4: Community Involvement

- Plan & execute the annual community Christmas activities, which may include Christmas Parade, Sno*pelika, Tree Lighting Ceremony & more, which will be open to the public.
- Support community organizations and non-profits, when able, to improve the overall livelihood of those within the City.
- Promote & execute Ribbon Cuttings & Ground-Breaking ceremonies for member businesses, city organizations & new industry coming to City.

Total Resource Campaign Sponsorship Exchange

Included in this contract at no additional cost are the following Opelika Chamber Total Resource Campaign sponsorships on behalf of the City of Opelika:

- Corporate Table Sponsorship at Annual Meeting

- Gold Sponsorship at:
 - Business over Breakfast
 - Mayoral Address
 - Business Leaders Reception
 - Educators & Faculty Institute Breakfast
- Community Partner Awards Sponsor
- Student Economic & Community Development Sponsorship
- Opelika Lifestyle Full Page Ad

Additionally, the Opelika Industrial Development Authority (OIDA) will receive a \$2,500 credit to be spent on Total Resource Campaign Sponsorships, as a part of this contract. The designated sponsorships shall be mutually agreed upon by OIDA and the Opelika Chamber.

2. As compensation for services rendered hereunder, the City agrees to pay or provide funds with which to pay the Chamber for a term of one (1) year commencing October 1, 2020, the sum of Sixty-Five Thousand (\$65,000) Dollars (U.S.), payable in equal quarterly installments on the 1st day of each quarter during said annual term ending September 30, 2021.
3. Notwithstanding any of the provisions of this agreement, it is agreed that the City has no financial responsibility in the business of the Chamber, and shall not be deemed liable for any debts or obligations incurred by the Chamber nor shall the City be construed to be a partner, joint-ventures, or otherwise interested in or with any of the indebtedness incurred by the Board in the assets of the Chamber, or profits earned or derived by the Chamber, nor shall the Chamber at any time or times use the name of the City in purchasing or attempting to purchase any equipment, supplies, or other items whatsoever.
4. The Chamber, in the performance of its operations and obligation hereunder shall not be deemed to be the agent of the City but shall be deemed to be an independent contractor in every respect. The City does not and will not assume any responsibility for the means in which or manner in which services by the Chamber, provided for herein, are performed, but on the contrary, the Chamber shall be wholly responsible, therefore.
5. The Chamber shall not transfer or assign this agreement or the license of any of the rights or privileges granted herein without the prior written consent of the City.
6. The Chamber agrees that if upon violation of any of the covenants and agreements herein contained, on account of any act of omission or commission of the Chamber, the City may at its option terminate and cancel this agreement.
7. The Chamber agrees that it shall not use any of the funds received from the City for political activity, nor shall it endorse or promote the campaign of any person for public office. The Chamber, as an organization, shall remain apolitical, and any paid staff member who may engage in said practices shall do so in their personal time with prior consent from Executive Committee.

8. This agreement supersedes all other agreements, either oral or in writing, between the parties with respect to the subject matter of this agreement which is not contained herein shall be valid or binding unless in writing and signed by both parties.
9. Subject to the provisions regarding assignment, this agreement shall be binding on the successors and assigns of the respective parties.
10. The validity of this agreement and of its terms, provisions, as well as the rights and duties of the parties hereunder, shall be governed by the State of Alabama.

WITNESS OUR HANDS AND SEALS THIS THE 8th DAY OF December, 2020.

THE CITY OF OPELIKA, ALABAMA

BY _____

ITS MAYOR

(SEAL)

ATTEST:

ITS CITY CLERK

THE OPELIKA CHAMBER OF COMMERCE
A NON-PROFIT CORPORATION

BY: BL

ITS CHAIRMAN, BOARD OF DIRECTORS

ATTEST:

DR
ITS PRESIDENT

RESOLUTION NO. 334-20

Special Appropriation to AO Discover!.**RESOLUTION NO. _____**

WHEREAS, AO Discover!, a 501(c)3 non-profit organization, is in need of sponsors for “Tis the Season to Discover” holiday event, and

WHEREAS, this event will support the opening of East Alabama’s first children’s hands-on science center, and

WHEREAS, Councilman George Allen Ward 1, President Pro-tem Erica Norris Ward 2, Councilman Robert Lofton Ward 3, President Eddie Smith Ward 4, and Councilman Todd Rauch Ward 5 would like to contribute a portion of their discretionary funds to AO Discover! in support of opening East Alabama’s first children’s hands-on science center.

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

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

George Allen	Ward 1 Reserve Fund	\$100.00
Erica Norris	Ward 2 Reserve Fund	\$100.00
Robert Lofton	Ward 3 Reserve Fund	\$100.00
Eddie Smith	Ward 4 Reserve Fund	\$100.00
Todd Rauch	Ward 5 Reserve Fund	\$100.00

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

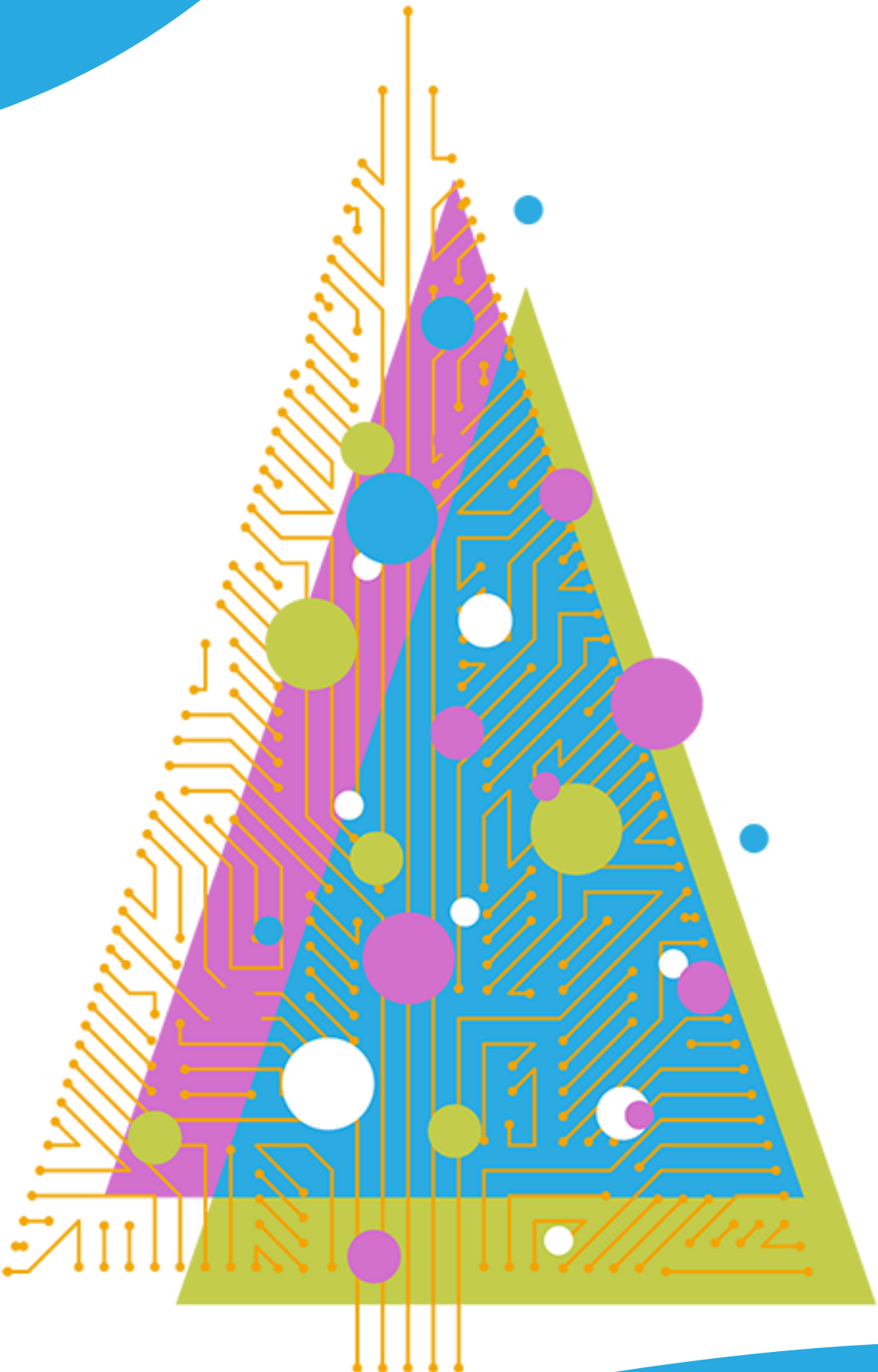
4. That the City Clerk is hereby authorized to prepare and process the appropriate document(s) so that a check can be prepared for \$500.00 payable to AO Discover!.

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

President of the City Council
City of Opelika, Alabama

ATTEST:

Russell A. Jones
City Clerk



AO Discover! Auburn-Opelika Children's Hands-On Science Center is a 501(c)(3) nonprofit children's museum and science center created to provide exceptional hands-on educational opportunities in Science, Technology, Engineering, Mathematics, and Arts for the children and families of East Alabama and beyond.

Our research-based practices ensure that the children of our area receive high quality experiences that will leave a lasting impact and create a firm foundation for a lifetime of inquiry, critical thinking skills, creativity, and perseverance in the face of failure.





WHIMSICAL WINTER WONDERLAND

Featuring Auburn-Opelika Businesses

HOLIDAY PHOTOS

Featuring Santa Claus, Llama Claus,
and The Christmas Unicorn

HOLIDAY MOVIES

Presented by The Great Indoors

CORPORATE SOCIAL HOLIDAY EVENTS

Monday - Thursday in December



Whimsical Winter Wonderland

AO Discover! will become transformed into a whimsical forest of Christmas trees decorated by business sponsors throughout the community. Every event day, guests can vote for their favorite tree and the winning business will be announced December 21!

Holiday Movies

Enjoy your favorite holiday movies inside AO Discover's Winter Wonderland with The Great Indoors! Families and friends will have designated spaces to enjoy movies safely and comfortably together.



Holiday Portraits



SANTA
CLAUS
FRIDAYS & SUNDAYS



CHRISTMAS
UNICORN
SATURDAYS



LLAMA
CLAUS
SATURDAYS



	Platinum \$4000	Gold \$2500	Silver \$1000
BRAND EXPOSURE TO AUBURN OPELIKA FAMILIES	☒	☒	☒
PRESS RELEASE HIGHLIGHTING SPONSORSHIP	☒	☒	☒
LOGO ON PRINTED MATERIALS	☒	☒	☒
LOGO ON TIS THE SEASON TO DISCOVER WEBPAGE	☒	☒	☒
FACEBOOK STORY INCORPORATING KEY BRAND MESSAGING	BI-WEEKLY	TWO	ONE
INSTAGRAM STORY INCORPORATING KEY BRAND MESSAGING	BI-WEEKLY	TWO	ONE
AO DISCOVER SOCIAL MEDIA SHOUT OUTS [FACEBOOK & INSTAGRAM]	ALL WINTER WONDERLAND POSTS	☒	☒
WINTER WONDERLAND CHRISTMAS TREE WITH PRIORITY PLACEMENT	10FT	7.5FT	7.5FT
LOGO DISPLAYED ON PHOTOBOOTH IMAGES	☒	☒	☒
LOGO ON ROTATING DISPLAY AT ALL EVENTS	☒	☒	☒
COMPLIMENTARY FAMILY PASS	TWO	ONE	
EXPO TABLE AVAILABLE DURING EVENT	☒		



Platinum
\$4000

Become our Platinum Sponsor and receive the ultimate recognition for your business' contribution to the Auburn-Opelika community by presenting AO Discover's inaugural 'Tis the Season to Discover' event!

As our title sponsor, your business' logo will be displayed on all printed materials for the event. Your business will be recognized in all outside media promotions and you will be tagged in all 'Tis the Season to Discover' social media posts used before, during, and after the event. We will highlight your business throughout the remainder of the year with social media stories incorporating your key brand messaging. Your logo will be placed on all photo booth images at our events and you will have a 10ft feature tree to design that will be the first tree families see when they enter our winter wonderland!

You may have your own display with representatives from your business spreading holiday cheer at each Santa and movie event. Your representative can give out branded materials, pass out a holiday treat, and capture data from guests who are interested. You will also receive two complimentary family passes to our Santa event to join us and explore our holiday wonderland.



As a Gold Sponsor, your business' logo will be displayed on all printed materials for the event and your business will be highlighted in all press releases distributed to outside media. You will be tagged in 'Tis the Season to Discover' social media posts used before, during, and after the event. We will create and share two social media stories incorporating your business' key brand messaging.

You will be the presenting sponsor for two FREE community holiday movie nights. Your brand will be highlighted before the event and your logo will be used on the event posters. You may have a representative at both events to spread holiday cheer and share about your product or service!

You will have a 7.5ft tree to design that will receive priority placement in our winter wonderland, where guests can vote for their favorite tree! You will also receive a complimentary family pass to our Santa event to join us and explore our holiday wonderland.

Gold
\$2500



Silver
\$1000

As a Silver Sponsor for AO Discover's inaugural 'Tis the Season to Discover' event, your business will be highlighted for your community contribution all season.

Your logo will be displayed on all printed materials for the event and featured on our 'Tis the Season to Discover' webpage. You will be tagged in 'Tis the Season to Discover' social media posts used before, during, and after the event. We will create and share a social media story incorporating your business' key brand messaging.

You will have a 7.5ft tree to design that will receive priority placement in our winter wonderland, where guests can vote for their favorite tree!

Christmas Tree Sponsorship

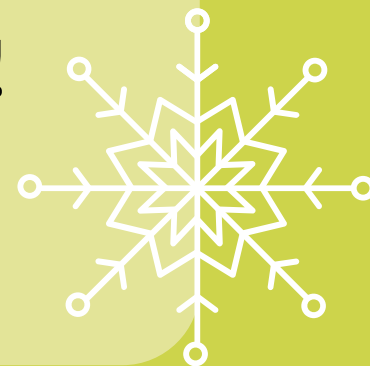
Expose your brand to families throughout the Auburn-Opelika community this holiday season by sponsoring a Christmas tree in our Whimsical Winter Wonderland! Trees will be displayed for all public and private events hosted inside AO Discover! during 'Tis the Season to Discover' starting November 20 through December 20. Get creative with your trees, because guests will be able to vote for their favorite tree at each event they attend! The winning trees will be announced December 21!

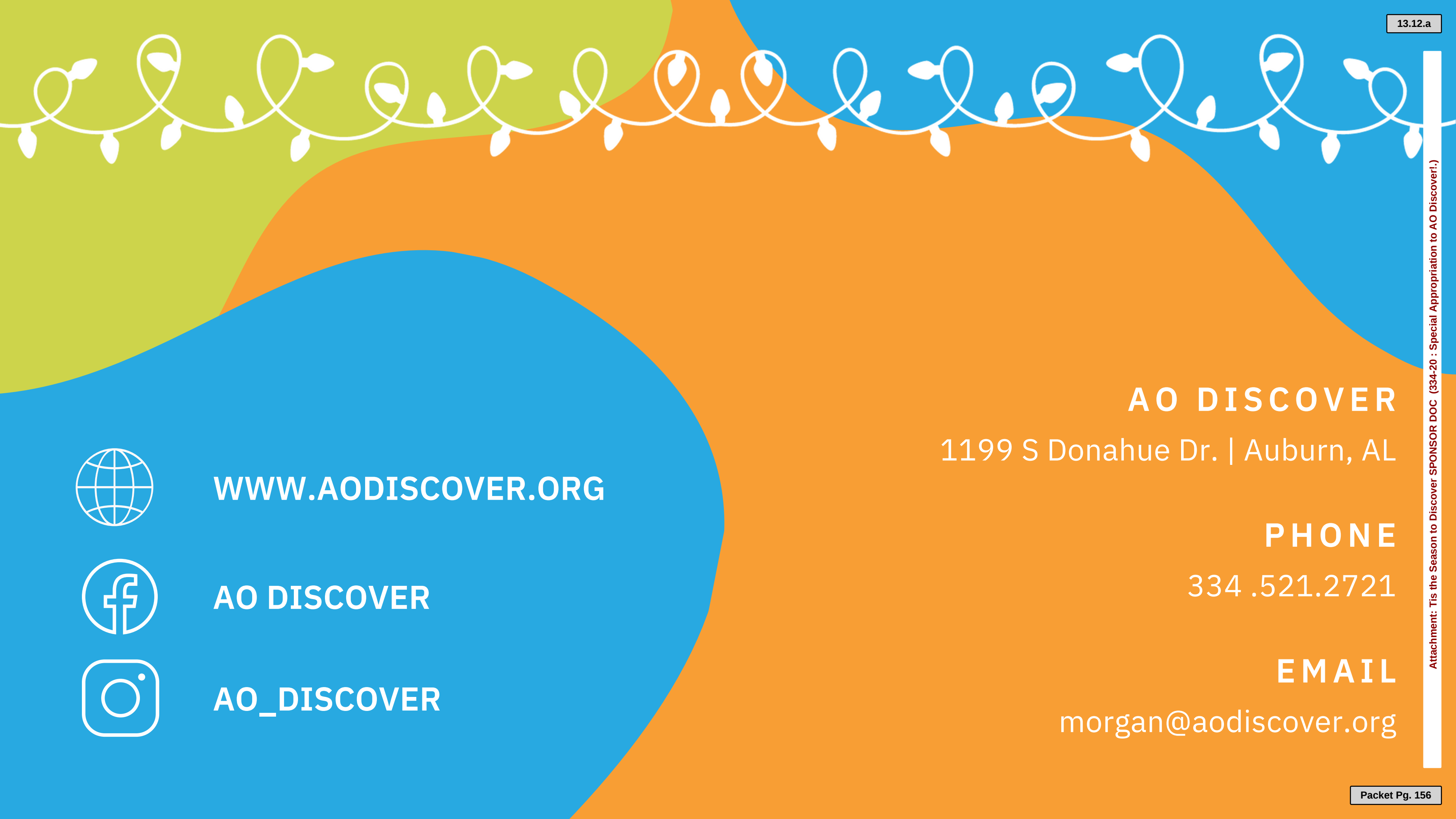
7.5FT TREE

\$500

6.5FT TREE

\$350





WWW.AODISCOVER.ORG



AO DISCOVER



AO_DISCOVER

AO DISCOVER

1199 S Donahue Dr. | Auburn, AL

PHONE

334 .521.2721

EMAIL

morgan@aodiscover.org

RESOLUTION NO. 335-20

Special Appropriation to the Dream Day Foundation.**RESOLUTION NO. _____**

WHEREAS, the Dream Day Foundation is sponsoring the 22nd annual celebration honoring Dr. Martin Luther King, Jr. on January 18, 2021 via Zoom, and

WHEREAS, this event will honor Dr. King's legacy with the theme of "You Are My Hero" and will pay tribute to many of our local heroes, and

WHEREAS, the Dream Day Foundation will also announce the winners of their Dream Day Scholarships for high school seniors wishing to further their education, and

WHEREAS, Councilman George Allen Ward 1, President Pro-tem Erica Norris Ward 2, Councilman Robert Lofton Ward 3, President Eddie Smith Ward 4 and Councilman Todd Rauch Ward 5 would like to contribute a portion of their discretionary funds to the Dream Day Foundation 2021 celebration honoring Dr. Martin Luther King, Jr..

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

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

George Allen	Ward 1 Reserve Fund	\$500.00
Erica Norris	Ward 2 Reserve Fund	\$500.00
Robert Lofton	Ward 3 Reserve Fund	\$500.00
Eddie Smith	Ward 4 Reserve Fund	\$500.00
Todd Rauch	Ward 5 Reserve Fund	\$500.00

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

document(s) so that a check can be prepared for \$2,500.00 payable to the Dream Day Foundation.

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

President of the City Council
City of Opelika, Alabama

ATTEST:

Russell A. Jones
City Clerk



MARION A. SANKEY, FOUNDER

P. O. Box 1654 | Opelika, AL 36803 | www.thedreamdayfoundation.org | 334.749.207

"Inspiring Our Youth of Today to Become Dream Achievers of Tomorrow"

Board Member

Margaretha Bledsoe
Jeffrey Harrison
Wanda Lewis
Dolly Marsh
Barbara Patterson
Jeffrey Pott
Felix Turner
Dr. Patricia Walker
Ronnie Walker

December 2, 2020

Dear Supporter:

The Dream Day Foundation, Inc., a 501(c) (3) non-profit organization in partnership with McDonald's of Auburn, Opelika, Shorter and Tuskegee is in the planning stages of our **22nd Annual Celebration** honoring the life and legacy of Dr. Martin L. King, Jr. Due to COVID-19, we have opted to present this year's Celebration virtually for the welfare of our youth and all involved. This year's Zoom event will be produced by our youth in safe and secure environments. Our hope also is that we will reach many more households in and outside the Lee County area.

We will honor Dr. King's legacy with the theme **"You Are My Hero"** and by paying tribute to many of our local heroes. A **#dreamdayyouaremyhero** will be created for citizens to honor their own personal hero. **The celebration will be held via Zoom on Monday, January 18, 2021 from 11:00 am til 12 noon. A free link will be published for all who wish to join this Celebration.** We will once again reveal the recipient of the **2021 Dream Achiever Award** and announce the winners of our **2021 Dream Day Scholarships** for high school seniors wishing to further their education.

The sponsorship form with important information is enclosed with a deadline of January 9, 2021.

Thank you in advance for your support. If you need any additional information, please feel free to contact me @ **334.663.6638**. Please see attachment for sponsorship information and deadline.

Sincerely,

Marion A. Sankey
Coordinator
334.663.6638

Attachment: 2021 letter for sponsors (335-20 : Special Appropriation to the Dream Day Foundation.)

ORDINANCE NO. (ID # 4416)

Amend Zoning Ordinance & Map, 6.23 Acres, 2000 Block of Cunningham Dr. - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

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

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

From a R-4 District (Medium Density Residential District) to a C-3 District (General Commercial District), the parcel of land hereinafter described:

Parcel Subdivision of the property of W P Properties Opelika, LLC, according to and as shown by that certain map or plat of record in Town Plat Book 36, at Page 144, in the Office of the Judge of Probate of Lee County, Alabama.

The above-described property contains 6.2 acres, more or less, and is located in the 2000 Block of Cunningham Drive, Opelika, Alabama.

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

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

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

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

ATTEST:

CITY CLERK

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

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK