



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
300 Martin Luther King Blvd.
April 20, 2021
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. Lane provided the invocation.

1. Rick Lane from First United Methodist Church.

4. Pledge of Allegiance

Mr. Jones led the Pledge of Allegiance.

1. Russell Jones - City Clerk.

5. Reading of Minutes

1. Minutes from the 04-06-21 Council Meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

1. City's Financial Summary Report for March 2021.

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 also announced the culmination of the "Slam Dunk the Junk" campaign to prevent litter in the community on the morning of Saturday April 24 at Covington Recreation Center for a city wide clean up, and later at 11:30 am at Covington Recreation Center they would also be dedicating the signs to Mr. Mike Covington and Mr. Robert Flournoy.

2. March 2021 Monthly Building Report.

Mayor Fuller asked Mr. Motley to give the March 2021 monthly building report and Mr. Motley did so.

3. Proclamation for "Cancer Doesn't Take a Holiday!" week and "Relay for Life Day".

Mayor Fuller invited former President Pro-Tem Patsy Jones and the co-chair's of Relay for Life Lee County, Randy and Debbie Causey, up front and read the proclamation. Mr. Causey then explained when, where, and what the Relay for Life event taking place would involve, and thanked the city for being a sponsor and helping with their event. Mayor Fuller then expressed his appreciation for what Mr. Causey and Ms. Jones do for Relay for Life each year.

4. Proclamation for National Crime Victims' Rights Week.

Mayor Fuller invited Jessica Ventiere and Melissa Cupit up front and read the proclamation. Ms. Ventiere then explained more about what the county is doing for Victims' Rights and Awareness

week and thanked the Opelika Police Department for their support, as well as what each day's theme was for the week. Ms. Venitere asked if the police officers present would join them for the photo.

5. Proclamation for Knee High Foundation, Inc.

Mayor Fuller then asked Alyssa Foreman and Anthony Bryant to come up front and read the proclamation.

6. Employee Service Awards.

Mayor Fuller then presented years of service awards to each employee, that was present, by years served for each department. After Mayor Fuller had presented the last employee's award, President Smith then presented Mayor Fuller with his own service award of 20 years.

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. Request for Downtown Juneteenth Celebration March on 6-18-21.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Willie Allen, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

2. Request Alcohol License - Ganesha G Store LLC DbA G Mart, Retail Beer and Wine Off Premise.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Willie Allen, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

3. Request Alcohol License - Boardem Gaming Cafe, LLC DBA Gear Gaming Opelika, Retail Beer and Wine On & Off Premise.

After the roll call vote, President Smith thanked the owners of Gear Gaming Opelika for their investment in the city, congratulated them, and wished them good luck.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Willie Allen, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

12. Awarding of Bids

13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 081-21 Expense Reports from Various Departments.

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

2. Resolution 082-21 Approve License Agreement with BOE for Fireworks Exhibition and Display - P&R.

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

3. Resolution 083-21 Five (5) ADECA Grant Applications.

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

4. Resolution 084-21 Proposal Submitted by MetLife for Certain Types of Employee Insurance Coverage.

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

5. Resolution 085-21 Demolition - 108 Ray Avenue - Tabled.

President Smith asked if there was a motion to remove the item from the table. Dr. Lofton made a motion to remove the item from the table. Ms. Norris seconded the motion.

The following vote was recorded:

Ayes: Allen, Norris, Lofton, Rauch, Smith

Nays: None.

During discussion, Mr. Allen stated one of the property owners, at the last meeting, let the council know they had torn the building down and were working on removing the debris. Mr. Allen then stated the council did not give them a specific amount of time to finish and the owners may be under the impression they have longer than two weeks since the last meeting. President Smith asked Mr. Kappelman, Chief City Building Inspector, if he had spoken to the owners. Mr. Kappelman stated they have 30 days to comply with order and the owner that was at the last council meeting left without speaking to him and he has not heard from any of the other owners either. Mr. Kappelman then recommended the council approve the resolution due to it turning into a debris case, and there are thirteen different owners that will have to receive certified letters of the resolution and then they have 30 days to comply. Mr. Kappelman also stated the city would then have to bid out the removal of the debris which would take at least another 25 or 30 days before the removal would take place. Mr. Allen asked if they could be more specific with the amount of time the owners would have, so they would know how much time they would have to remove the debris themselves. Mr. Kappelman replied the amount of time is governed by law and they would have at least 30 days to appeal and another 30 days to bid the job out, so at least 60 days would be the amount of time if approved. Mr. Rauch asked Mr. Kappelman about the building already being demolished and if he would be having to bid out the debris removal only. Mr. Kappelman answered yes they would have to follow state bid law for the removal of debris. Mr. Rauch then asked if that would still take around 30 days. Mr. Kappelman answered yes with having to go through the entire bid process including coming back to council for bid approval. Ms. Norris asked Mr. Kappelman if he had spoken to the owner that was at the previous council meeting. Mr. Kappelman answered no, she left the last meeting before he could give her his

business card. Ms. Norris asked if the owner had reached out to him. Mr. Kappelman answered no. Ms. Norris then stated that she knows Mr. Kappelman has tried to reach out to the owner with that information and Ms. Norris herself has reached out to the owner several times with no response, and she would vote to move forward with the resolution. Ms. Norris stated she knows the building has been demolished, but there is debris, like cement, left over that needs to be removed, and then asked Mr. Kappelman if he would be giving notification to the owners and if he had already done so. Mr. Kappelman stated, besides the original notification, all listed property owners would be getting a copy of the resolution, if passed, by certified mail.

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

6. Resolution 086-21 Special Appropriation to Opelika Main Street for Downtown Plaques and Outdoor Sculpture Exhibition.

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

7. Resolution 087-21 Special Appropriation for Opelika High School Annual Project Graduation 2021.

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

8. Resolution 088-21 Emergency Purchase - Flygt Pumps at North Industrial Park Lift Station - PW.

Ms. Norris asked if there needed to be an addition to the resolution that the company that caused the issues would be reimbursing the city, and if that was necessary. Mr. Gunter stated that it is not necessary. Mr. Motley added the city would be billing the company for the cost of the pumps by having already talked to the company about it, and also future uses of the city's sewer going forward and what the company is putting in there that is causing problems.

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

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance Stormwater Ordinance Revision to Meet New ADEM Requirements - 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 Patsy Parker to the Public Park & Recreation Board. New Term ends 5-4-2027.

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

16. Adjourn

The City Council meeting minutes of April 20, 2021 are hereby adopted and approved this the 4th day of May, 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 - Reliability, the quality of being trustworthy or of performing consistently well.

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

2. Motion to Adjourn.

The council meeting ended at 7:40 pm.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 4612)

Meeting: 04/20/21 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:
DOC ID: 4612

Minutes from the 04-06-21 Council Meeting.

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



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
 300 Martin Luther King Blvd.
April 6, 2021
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. Wheatley provided the invocation.

1. Rick Wheatley from Trinity United Methodist Church.

4. Pledge of Allegiance

William Carter, Stephen Watson and Murphy Williams from Boy Scout Troop 858 led the Pledge of Allegiance.

1. William Carter, Stephen Watson and Murphy Williams from Boy Scout Troop 858.

5. Reading of Minutes

1. Minutes from the 03-16-21 Council Meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller first asked interim Fire Chief James "Junior" Morgan and new Fire Chief Shane Boyd to both stand. Mayor Fuller then thanked Chief Morgan for his service as interim Fire Chief and introduced Chief Boyd to everyone in attendance. Mayor Fuller then recognized former council member Dozier Smith-T and his family and thanked them for their attendance as well. Mayor Fuller also announced a public hearing in the Municipal Court courtroom on Monday, April 12, 2021 at 4:00 pm to discuss the fiscal year 2021 CDBG Action Plan.

1. Proclamation for Sexual Assault Awareness Month.
Mayor Fuller invited Brantley Shields up front and read the proclamation.
2. Recognize Officer Montrez Hunter as Central Alabama CrimeStoppers Officer of the Year.

Mayor Fuller invited Chief Healey, Captain Cook, Captain Miller, Captain Amerson, Captain Clifton, Lieutenant Jones, Sergeant Krug, Sergeant Smith, Officer Montrez Hunter and Tony Garrett with Central Alabama Crime Stoppers up front to present an award. Mr. Garrett read the nomination from Chief Healey about Officer Hunter and presented the award to Officer Hunter.

Chief Healey also added how proud he was of Officer Hunter and finally Mayor Fuller, on behalf of the City Council, presented a small token of appreciation to Officer Hunter on a job well done.

3. Recognize OPS/AMEA Scholarship Recipients and All State Band Members from Opelika High School.

Mayor Fuller invited Mr. Neil Sasser, Dr. Farrell Seymour, and Mr. Kenneth Burton up front to recognize, the All State Band members from Opelika High School, Candace Davis, Anita Duncan, Kylan Fanning, and Za'Meria Butler. Mr. Sasser then expressed how proud they were of these young musicians and explained the process of how they were named All District and All State Band members. Mayor Fuller presented each of the band members with a gift as well. Mayor Fuller then asked Dr. Seymour and Mr. Burton to stay up front and invited Derek Lee up front as well to recognize each AMEA Scholarship recipient. Mayor Fuller called Laura Daffin, Nicholas Fitzwater, Braxton Harris, and Leighanna Howell up front and read each of their achievements and credentials earning them their scholarships. Dr. Seymour then stated how proud he was of each of the students and how they are all outstanding people as well as students. Mr. Burton also added how proud he was of them and congratulated them again. Derek Lee finally explained the process, how competitive it is to receive the AMEA scholarship, and congratulated the students. President Smith also extended congratulations, on behalf of the City Council, to each student recognized as well.

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. Request by Main Street for 1st Ave Block Party on 4-10-2021.

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

2. Request from KOB for Garden in the Park on 5-1-2021.

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

3. Request for 2021 Run It to Win It 5K in Downtown Opelika on 5-15-2021.

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

4. Public Hearing - Demolition - 108 Ray Avenue.

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. Diane Harris Preston spoke to the council and let them know that after receiving notice from the city of the impending demolition, the owners have taken the building down themselves. President Smith asked Ms. Preston if the debris had also been removed from the site. Ms. Preston stated they are still in the process of removing the debris themselves. President Smith asked if this would be something the

council would need to remove from the agenda or table. Mr. Gunter suggested tabling the resolution for two weeks. Ms. Preston then asked a question about a concrete porch left over and asked Mr. Kappelman if he would be who she needed to see about that. President Smith answered by stating they would have Mr. Kappelman take a look at that, and later on in the agenda there would be a resolution they would table, at the pleasure of the council, and Mr. Kappelman would report back on if any action would need to take place in two weeks. President Smith closed the public hearing.

12. Awarding of Bids

President Smith asked Ms. Finley to present the bids.

1. Bids 060-21 Printer Maintenance - IT.

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

2. Bids 061-21 Parks and Rec Management Software - IT.

Mr. Allen asked Ms. Finley if the amount being voted on was just for one year or a certain amount of years. Ms. Finley answered the contract is renewable so it for one year at a time.

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

3. Bids 062-21 Andrews Rd at Unnamed Creek Precast Bridge Construction - ENG.

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

4. Bids 063-21 Opelika Power Substations 1,2,3, and 6 Control House Replacements Project - OPS.

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

13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 064-21 Purchase - (624) Toter 96 Gal EVR II Carts-Sourcewell Contract #041217-WQI - OES.

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

2. Resolution 065-21 Change Orders for Furniture Contracts Related to New Library - LIB.
 Ms. Norris asked about the difference between the bidding process and state contracts related to the purchase and the benefit of doing it one way or the other. Mr. Gunter answered that the state contracts are where the state bids the items out statewide, and usually gets a very good price for the items, and any city or county can use the state contracts to purchase items. Mr. Gunter also

explained that if the city did not use a state contract for the purchase and the amount exceeds \$15,000, the items must go out for bid. Ms. Norris then asked what the advantage would be, besides taking the time to send out the bids to all the separate vendors, and if the amount would be the same. Mr. Gunter answered it would not necessarily be the same amount based on the bids received and there may be higher prices with the bids. Mr. Gunter also stated that generally the state is dealing in bulk amounts and usually gets the best price on items that way, also a lot of the city's contracts are state contracts due to that. Ms. Norris then stated one of the advantages is to prevent the city from going over budget and Mr. Gunter agreed by stating if it was bid locally it could go over budget. President Smith added that the amount of the furniture was originally projected for \$501,000 and the state contracts totaled to be \$499,000 and some change, so the actual cost is below what was projected due to the state contracts.

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

3. Resolution 066-21 Request Refund of Occupational License Fees Paid in Error - Terry Breaux.

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

4. Resolution 067-21 Agreement with Envision for Phase V Renovation Project at South Side Center for the Arts - ADMIN.

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

5. Resolution 068-21 Approve Arrangement Letter with Critical Insights Consulting, LLC - ADMIN.

RESULT: **APPROVED [4 TO 1]**
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Willie Allen, Robert Lofton, Eddie Smith, Todd Rauch
NAYS: Erica Norris

6. Resolution 069-21 Approve Renewal of Existing Asphalt Resurfacing Contract with East Alabama Paving Co. - ENG.

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

7. Resolution 070-21 Approve Sign License Agreement with Insure With A Rose, Inc.

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

8. Resolution Demolition - 108 Ray Avenue.

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

9. Resolution 071-21 Engagement Letter with Hand Arendall Harrison Sale.

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

10. Resolution 072-21 Engagement Letter with Lanier Ford Shaver & Payne, P.C.

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

11. Resolution 073-21 Joint Resolution Opposing Changes to the 2010 Standards for Delineating MSA's.

Ms. Norris thanked Mr. Gunter for his explanation of the what this would mean for Opelika, as well as the Mayor's comments in the newspaper about the issue. Ms. Norris then stated that in the near future the recent census numbers should be released and along with that there could be some redistricting in the city. Ms. Norris asked if this has any impact or affect on that redistricting. Mr. Gunter answered this would have no impact on redistricting. Mr. Gunter then explained it would mostly impact federal funding and the eligibility for the city to received federal grants which are tied to MSA areas. Ms. Norris thanked Mr. Gunter.

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

12. Resolution 074-21 Request for Extension of the Special Use Permit with Verizon at 269 Lee Rd 711.

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

13. Resolution 075-21 Special Appropriation to A-O Tourism for hosting AJGA Golf Tournament at Grand National.

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

14. Resolution 076-21 Special Appropriation to Reach Out and Read-Alabama from Ward 4 and Ward 5 Reserve Funds.

Ms. Norris asked if they would like to add to this resolution from their own discretionary fund, do they have the option of doing so. Mr. Gunter answered yes they would need to make a motion to amend the resolution. Ms. Norris stated she would like to make the motion to amend adding \$500 from her discretionary fund. Dr. Lofton also stated he would like to add \$500 from his discretionary fund. Mr. Allen as well stated he would like to add \$500 from his discretionary fund. Dr. Smith-T thanked all of the council for doing that and explained how the program would

benefit from this contribution. President Smith and Ms. Norris then thanked Dr. Smith-T for what they are doing with this program. Mr. Gunter then explained the amendment would now be for a \$2500 total appropriation with \$500 coming from each council member.

Ms. Norris moved to amend the resolution. Mr. Allen seconded the motion.

The following vote was recorded:

Ayes: Allen, Norris, Lofton, Rauch, Smith

Nays: None

RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Willie Allen, Council Member

SECONDER: Robert Lofton, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

15. Resolution 077-21 Agreement with Skipper Consulting, Inc. for Gateway Dr./Marvyn Pkwy Intersection Study - ENG.

RESULT: APPROVED [UNANIMOUS]

MOVER: Erica Norris, President Pro-Tem

SECONDER: Robert Lofton, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

16. Resolution 078-21 Agreement with Barrett Simpson, Inc. for Design of Veterans Extension Phase II - ENG.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Willie Allen, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

17. Resolution 079-21 Agreement with CDG Engineering for Thomason Dr Extension Phase II Design - ENG.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Willie Allen, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

18. Resolution 080-21 Agreement with Sain Associates, Inc. for Roundabout Design at Sportsplex and Westpoint Pkwy - ENG.

Mr. Rauch thanked the Mayor for listening to all the concerns of the people in Ward 5 and for also making this a priority.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Robert Lofton, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance 007-21-ORD Approve the Leasing of the Property Located at 1103 Glenn St. to Envision Opelika Foundation, Inc. - 2nd Reading.

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

15. Appointments

President Smith presented the appointments.

1. Reappoint David McCain to the LRCOG MPO Citizen Advisory Committee. New Term ends 4-7-2023.

President Smith stated Mr. McCain was present in the audience and also mentioned Mr. McCain serves as an election official in the municipal elections and thanked him for his time and willingness to volunteer.

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

16. Adjourn

The City Council meeting minutes of April 6, 2021 are hereby adopted and approved this the ____ day of _____, 2021.

President of City Council
City of Opelika, Alabama

ATTEST:

Russell A. Jones

City Clerk

1. Character Trait of the Month - Reliability, the quality of being trustworthy or of performing consistently well.

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

2. Motion to Adjourn.

The council meeting ended at 7:55 pm.

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

**City Council**204 South 7Th Street
Opelika, AL**SCHEDULED****MAYOR'S REMARKS (ID # 4624)**

Meeting: 04/20/21 07:00 PM

Department: City Clerk

Category: City Financial Statements

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4624

City's Financial Summary Report for March 2021.**COMMENTS - Current Meeting:**

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 also announced the culmination of the "Slam Dunk the Junk" campaign to prevent litter in the community on the morning of Saturday April 24 at Covington Recreation Center for a city wide clean up, and later at 11:30 am at Covington Recreation Center they would also be dedicating the signs to Mr. Mike Covington and Mr. Robert Flournoy.

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
March 31, 2021

	Governmental Funds					Proprietary Funds				
					Garden Hills Cemetery Permanent Fund					
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds		Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
ASSETS										
Cash	\$ 40,588,610	\$ 23,050,854	\$ 36,959	\$ 1,464,744	\$ -	\$ 5,560,601	\$ 47,919,941	\$ -	\$ -	\$ 118,621,709
Certificates of deposit	20,000,000	5,000,000	-	-	-	-	5,250,000	-	-	30,250,000
Receivables:										
Accounts and unbilled service	-	-	-	180,037	-	19	4,605,044	-	-	4,785,100
Taxes	8,632,330	8,661,857	-	-	-	-	-	-	-	17,294,187
Licenses and fees	3,033,562	-	-	-	-	-	-	-	-	3,033,562
Fines and forfeitures	-	-	-	-	-	-	-	-	-	-
Assessments	204,577	-	-	-	-	-	-	-	-	204,577
Interest	(70,867)	-	-	-	2,610	-	(7)	-	-	(68,264)
Other	570,777	600,000	-	-	-	(803)	-	-	-	1,169,974
Due from other funds	32,548	-	-	-	11,895	-	8,630,407	-	-	8,674,850
Due from other governments	2,767,588	937,480	-	-	-	-	902,163	-	-	4,607,231
Inventories of supplies, at cost	140,814	-	-	-	-	-	1,064,102	-	-	1,204,916
Prepaid expenses	246,224	-	-	-	-	-	-	-	-	246,224
Investments	-	21,659	-	-	1,355,083	-	-	-	-	1,376,742
Investments with fiscal agent	-	-	945,277	-	-	-	810,203	-	-	1,755,480
Capital assets:										
Land	-	-	-	-	-	-	2,462,062	10,368,121	-	12,830,183
Buildings	-	-	-	-	-	-	13,666,181	65,206,460	-	78,872,641
Equipment	-	-	-	-	-	-	11,843,082	24,486,272	-	36,329,354
Utility systems	-	-	-	-	-	-	119,278,867	-	-	119,278,867
Infrastructure	-	-	-	-	-	-	-	124,946,411	-	124,946,411
Construction in progress	-	-	-	-	-	-	401,834	10,291,609	-	10,693,443
Total capital assets	-	-	-	-	-	-	147,652,026	235,298,873	-	382,950,899
Less: accumulated depreciation	-	-	-	-	-	-	(74,695,903)	(69,580,240)	-	(144,276,143)
Capital assets, net	-	-	-	-	-	-	72,956,124	165,718,633	-	238,674,756
Deposits	-	69,045	-	-	-	19,229	2,431	-	-	90,705
Amount to be provided for general long term debt									84,487,888	84,487,888
Total assets	76,146,162	38,340,895	982,236	1,644,781	1,369,588	5,579,046	142,140,409	165,718,633	84,487,888	516,409,638
DEFERRED OUTFLOWS OF RESOURCES										
Employer retirement contributions	-	-	-	-	-	-	1,389,069	-	-	1,389,069
Diff. on proj. OPEB earnings	-	-	-	-	-	-	670,828	-	-	670,828
Bond refunding costs	-	-	-	-	-	-	2,287,520	-	-	2,287,520
Total deferred outflows of resources	-	-	-	-	-	-	4,347,417	-	-	4,347,417

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
March 31, 2021

	Governmental Funds					Proprietary Funds				
					Garden Hills Cemetery Permanent Fund					
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds		Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
LIABILITIES										
Accounts payable	1,250,330	149,194	-	0	-	570	8,398,534	-	-	9,798,628
Interest payable	-	-	-	-	-	-	96,741	-	-	96,741
Accrued payroll and benefits, due within one year	14,126	-	-	-	-	-	195,723	-	-	209,849
Due to other funds	11,895	32,548	-	-	-	-	8,630,407	-	-	8,674,850
Due to other governments	50,686	1	-	-	-	-	-	-	-	50,687
Claims and judgements, due within one year	-	-	-	-	-	190,938	-	-	-	190,938
Bonds payable due within one year	-	-	-	-	-	-	2,000,000	-	-	2,000,000
Claims and judgements, due in more than one year	-	-	-	-	-	155,934	-	-	-	155,934
Bonds payable, due in more than one year	-	-	-	-	-	-	25,557,548	-	84,487,888	110,045,436
Net pension liability	-	-	-	-	-	-	8,220,691	-	-	8,220,691
Accrued payroll and benefits, due in more than one year	-	-	-	-	-	-	1,688,802	-	-	1,688,802
Customer deposits held	-	-	-	-	-	-	3,127,862	-	-	3,127,862
Total liabilities	1,327,037	181,743	-	-	-	347,442	57,916,308	-	84,487,888	144,260,418
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan investments	-	-	-	-	-	-	17,779	-	-	17,779
Net change in OPEB assumptions	-	-	-	-	-	-	28,807	-	-	28,807
Unearned revenues	4,633,747	9,802,487	-	-	-	353,325	129,923	-	-	14,919,482
Total deferred inflows of resources	4,633,747	9,802,487	-	-	-	353,325	176,509	-	-	14,966,068
FUND BALANCES										
Nonspendable	140,814	69,045	-	-	1,347,683	-	-	-	-	1,557,542
Restricted	178,329	13,017,029	982,236	1,644,781	-	2,538,596	810,203	-	-	19,171,174
Committed	31,542	-	-	-	-	-	-	-	-	31,542
Assigned	14,352,262	14,767,304	-	-	-	820,869	-	-	-	29,940,435
Unassigned	38,192,254	41,725	-	-	21,905	1,502,988	-	-	-	39,758,872
Invested in capital assets, net of related debt	-	-	-	-	-	-	47,686,096	165,718,633	-	213,404,729
Unrestricted	-	-	-	-	-	-	36,524,445	-	-	36,524,445
Encumbrances	17,290,177	461,561	0	0	0	15,825	3,374,265	-	-	21,141,828
Total fund balances	\$ 70,185,378	\$ 28,356,664	\$ 982,236	\$ 1,644,781	\$ 1,369,588	\$ 4,878,279	\$ 88,395,009	\$ 165,718,633	\$ -	\$ 361,530,569

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
FYTD March 31, 2021

	Governmental Funds					Garden Hills Cemetery Permanent Fund	
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds		Total	
REVENUES:							
Taxes	\$ 24,994,952	\$ 8,654,582	\$ -	\$ -	\$ -	\$ 33,649,534	
Special assessments			-	-	-	-	
Licenses and permits	11,344,389	168,203	-	-	-	11,512,592	
Intergovernmental	628,409	414,265	-	57,923	-	1,100,597	
Charges for services	771,010	-	-	-	-	771,010	
Fines and forfeits	210,803	-	-	-	-	210,803	
Grants	8,711	-	-	-	-	8,711	
Contributions	11,610	-	-	-	-	11,610	
Investment income	104,352	20,603	34	31	14,801	139,821	
Miscellaneous	404,409	-	-	-	-	404,409	
Total revenues	38,478,644	9,257,653	34	57,954	14,801	47,809,086	
EXPENDITURES:							
General government	4,396,572	170,031	-	1,249	3,921	4,571,773	
Public safety	8,694,281	186,215	-	-	-	8,880,496	
Public works	2,903,618	716	-	-	-	2,904,334	
Health	206,056	-	-	-	-	206,056	
Education	1,947,083	-	-	-	-	1,947,083	
Welfare	117,292	-	-	-	-	117,292	
Culture and recreation	2,835,079	-	-	-	-	2,835,079	
Economic development	602,816	15,264	-	-	-	618,080	
Capital outlay	9,237,245	685,824	-	-	-	9,923,069	
Debt service:							
Principal retirement	-	-	3,710,750	-	-	3,710,750	
Interest and fees	-	-	2,067,678	-	-	2,067,678	
Total expenditures	30,940,042	1,058,050	5,778,428	1,249	3,921	37,781,690	
Excess of revenues over/(under) c	7,538,602	8,199,603	(5,778,394)	56,705	10,880	10,027,396	
Other financing sources/(uses):							
Proceeds from debt issuance	-	-	-	-	-	-	
Proceeds used to refund bonds	-	-	905,610	-	-	905,610	
Sale of capital assets	91,080	-	-	-	-	91,080	
Transfers from other funds	1,505,124	2,143,497	4,923,380	-	19,053	8,591,054	
Transfers to other funds	(5,136,892)	(1,950,237)	-	-	(8,025)	(7,095,154)	
Total other financing sources/(use	(3,540,688)	193,260	5,828,990	-	11,028	2,492,590	
Net change in fund balances	3,997,914	8,392,863	50,596	56,705	21,907	12,519,986	
Fund balances, beginning of the y	66,187,466	19,963,801	931,640	1,588,076	1,347,684	90,018,667	
Fund balances, end of period	\$ 70,185,380	\$ 28,356,664	\$ 982,237	\$ 1,644,781	\$ 1,369,591	\$ 102,538,653	

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position (Interim Report)
Proprietary and Fiduciary Funds
February 28, 2021 Preliminary

	Electric FYTD	Telecom FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD
ASSETS						
Current assets:						
Cash	\$ 33,364,803	\$ 50,528	\$ 10,922,233	\$ 3,582,376	\$ 3,538,209	\$ 2,022,392
Certificates of deposit	5,250,000	-	-	-	-	-
Receivables and prepaid expenses	3,928,440	-	384,723	291,874	-	(784)
Due from other funds and governments	8,630,407	-	902,163	-	-	-
Inventory	1,064,102	-	-	-	-	-
Total current assets	52,237,752	50,528	12,209,119	3,874,250	3,538,209	2,021,608
Restricted assets:						
Cash and investments with fiscal agent	199,601	-	610,602	-	-	-
Total restricted assets	199,601	-	610,602	-	-	-
Net capital assets	42,907,585	-	28,163,017	1,885,523	-	-
Other assets:						
Deposits	-	-	2,431	-	19,229	-
Total other assets	-	-	2,431	-	19,229	-
Total assets	95,344,938	50,528	40,985,169	5,759,773	3,557,438	2,021,608
DEFERRED OUTFLOWS OF RESOURCES						
Retirement contributions	1,037,489	-	-	351,580	-	-
Diff. on proj. OPEB earnings	489,543	-	-	181,285	-	-
Bond refunding costs	2,236,914	-	50,606	-	-	-
Total deferred outflows of resources	3,763,946	-	50,606	532,865	-	-
Total assets and deferred outflows of resources	99,108,884	50,528	41,035,775	6,292,638	3,557,438	2,021,608
LIABILITIES						
Current liabilities:						
Accounts and other payables	8,580,655	150	20,624	89,569	42,038	149,470
Due to electric fund	-	8,630,407	-	-	-	-
Due to other funds	-	-	-	-	-	-
Bonds payable within one year	1,410,000	-	590,000	-	-	-
Unearned revenue	129,923	-	-	-	-	353,325
Total current liabilities	10,120,578	8,630,557	610,624	89,569	42,038	502,795
Noncurrent liabilities:						
Claims and employee benefits due in more than one year	1,247,393	-	-	441,409	155,934	-
Bonds payable, in more than one year, net	24,315,000	-	1,242,548	-	-	-
Net pension liability	6,133,569	-	-	2,087,122	-	-
Customer deposits held	2,957,647	-	-	170,215	-	-
Total noncurrent liabilities	34,653,609	-	1,242,548	2,698,746	155,934	-
Total liabilities	44,774,187	8,630,557	1,853,172	2,788,315	197,972	502,795
DEFERRED INFLOWS OF RESOURCES						
Diff. on earnings on OPEB investments	20,594	-	-	8,213	-	-
Diff. on earnings on plan investments	(1,587)	-	-	19,366	-	-
Total deferred inflows of resources	19,007	-	-	27,579	-	-
Total liabilities and deferred inflows of resources	44,793,194	8,630,557	1,853,172	2,815,894	197,972	502,795
NET POSITION						
Invested in capital assets, net of related debt	19,419,499	-	26,381,075	1,885,523	-	-
Restricted	199,601	-	610,602	-	3,359,466	-
Unrestricted	33,410,867	(8,580,029)	10,635,781	1,057,821	-	1,502,988
Encumbrances	1,285,722	0	1,555,144	533,398	0	15,825
Total net position	\$ 54,315,690	\$ (8,580,029)	\$ 39,182,603	\$ 3,476,744	\$ 3,359,466	\$ 1,518,813
Total liabilities, deferred inflows, and net position	99,108,884	50,528	41,035,775	6,292,638	3,557,438	2,021,608

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position
Proprietary and Fiduciary Funds
FYTD March 31, 2021 Preliminary

	Electric 2021 FYTD	Telecom 2021 FYTD	Sewer 2021 FYTD	Solid Waste 2021 FYTD	Workmen's Comp. 2021 FYTD	Health Insurance 2021 FYTD
Operating Revenues						
Charges for services	\$ 20,116,118	\$ 19,939	\$ 2,697,506	\$ 1,863,783	\$ 244,839	\$ 2,324,072
Operating Expenses						
Purchases	12,542,295	-	-	243,488	-	-
Depreciation	1,470,582	-	548,313	161,817	-	-
Personnel services	1,751,737	6	-	603,985	-	-
Other	1,356,020	-	936,857	368,239	116,442	1,626,579
Total operating expenses	17,120,634	6	1,485,170	1,377,529	116,442	1,626,579
Operating income/(loss)	2,995,484	19,933	1,212,336	486,254	128,397	697,493
Nonoperating Revenues/(Expenses)						
Gain/(Loss) on sale of capital assets	-	-	1,353	(336)	-	-
Fiber optic line leases	13,223	-	-	-	-	-
Investment income	134,672	6	44	2,596	2,541	23
Grant income	-	-	-	-	-	-
Pole rental	66,667	-	-	-	-	-
Miscellaneous revenues	454,672	-	-	19,058	-	-
Interest expense and charges	(595,963)	(93,601)	(26,491)	-	-	-
Total nonoperating revenues/(expenses)	73,271	(93,595)	(25,094)	21,318	2,541	23
Other Revenues and Transfers In/(Out):						
Capital contributions	417,317	-	-	-	-	-
Transfers from other funds	-	-	-	850	-	-
Transfers to other funds	(1,500,000)	-	-	(850)	-	-
Total other revenues/(expenses)	(1,082,683)	-	-	-	-	-
Net Income/(loss)	1,986,070	(73,662)	1,187,242	507,571	130,938	697,516
Net position, beginning of year	52,329,617	(8,506,366)	37,995,364	2,969,172	3,228,528	821,298
Net position before encumbrances	54,315,687	(8,580,028)	39,182,606	3,476,743	3,359,466	1,518,814
Encumbrances	1,285,722	0	1,555,144	533,398	-	15,825
Net position, end of period	\$ 53,029,965	\$ (8,580,028)	\$ 37,627,462	\$ 2,943,345	\$ 3,359,466	\$ 1,502,989
Additional Information:						
Cash position at September 30, 2021	\$ 33,364,803	\$ 50,528	\$ 10,922,233	\$ 3,582,376	\$ 3,538,209	\$ 2,022,392
Cash position at September 30, 2020	28,703,690	30,589	26,803	3,299,277	3,412,909	1,460,399
Change in cash	\$ 4,661,113	\$ 19,939	\$ 10,895,430	\$ 283,099	\$ 125,300	\$ 561,993

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
General Fund Revenue and Expenditure Summary
Comparison of Actual and Budget to Prior Year
FYTD March 2021 Preliminary

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
Revenues:						
Taxes	\$ 21,948,340	\$ 24,994,952	\$ 3,046,612	\$ 19,182,309	\$ 24,994,952	\$ 5,812,643
Licenses and permits	10,888,446	11,344,389	455,943	9,066,300	11,344,389	2,278,089
Intergovernmental	216,920	628,409	411,489	366,218	628,409	262,191
Charges for services	951,808	771,010	(180,798)	1,004,589	771,010	(233,579)
Fines and forfeits	175,862	210,803	34,941	217,000	210,803	(6,197)
Grants	4,198	8,711	4,513	-	8,711	8,711
Contributions	117,497	11,610	(105,887)	4,737	11,610	6,873
Investment income	354,761	104,352	(250,409)	150,000	104,352	(45,648)
Miscellaneous	204,748	404,409	199,661	159,585	404,409	244,824
Total revenues	34,862,580	38,478,645	3,616,066	30,150,738	38,478,645	8,327,907
Expenditures:						
General government	3,740,909	4,396,572	655,663	4,553,637	4,396,572	\$ (157,065)
Public safety	8,343,001	8,694,281	351,280	9,761,024	8,694,281	(1,066,743)
Public works	2,727,418	2,903,618	176,200	3,650,948	2,903,618	(747,330)
Culture and recreation	2,985,387	2,835,079	(150,308)	3,936,957	2,835,079	(1,101,878)
Economic development	516,182	602,816	86,634	910,119	602,816	(307,303)
Health	192,651	206,056	13,405	166,321	206,056	39,735
Education	1,656,500	1,947,083	290,583	1,665,500	1,947,083	281,583
Welfare	72,917	117,292	44,375	78,334	117,292	38,958
Capital outlay	4,869,625	9,237,245	4,367,620	13,603,233	9,237,245	(4,365,988)
Debt service	-	-	-	349,046	-	(349,046)
Total expenditures	25,104,590	30,940,042	5,835,452	38,675,119	30,940,042	(7,735,077)
Other financing sources/(uses)						
Sale of capital assets	2,087	91,080	88,993	24,645	91,080	66,435
Transfers in	1,524,672	1,505,124	(19,548)	3,051,050	1,505,124	(1,545,926)
Transfer out	(6,660,714)	(5,136,892)	1,523,822	(6,155,765)	(5,136,892)	1,018,873
Total other financing sources/(uses)	(5,133,955)	(3,540,688)	1,593,267	(3,080,070)	(3,540,688)	(460,618)
Net change in fund balance	4,624,035	3,997,915	(626,120)	(11,604,451)	3,997,915	15,602,366
Fund balance, beginning of year	63,397,628	66,187,466	2,789,838	63,397,628	66,187,466	2,789,838
Fund balance, year to date	<u>\$ 68,021,663</u>	<u>\$ 70,185,381</u>	<u>\$ 2,163,718</u>	<u>\$ 51,793,177</u>	<u>\$ 70,185,381</u>	<u>\$ 18,392,204</u>
Less:						
Nonspendable	100,397	140,814	40,417	-	140,814	
Restricted	210,347	178,329	(32,018)	-	178,329	
Committed	35,792	31,542	(4,250)	-	31,542	
Assigned	17,868,410	14,352,262	(3,516,148)	-	14,352,262	
Encumbrances	12,588,569	17,290,177	4,701,608	-	17,290,177	
	<u>30,803,515</u>	<u>31,993,124</u>	<u>1,189,609</u>	<u>-</u>	<u>31,993,124</u>	<u>-</u>
Unassigned fund balance	37,218,148	38,192,257	974,109	51,793,177	38,192,257	18,392,204
20% budgeted revenues	<u>6,030,148</u>	<u>6,030,148</u>		<u>6,030,148</u>	<u>6,030,148</u>	
Available unassigned fund balance	<u>\$ 31,188,000</u>	<u>\$ 32,162,109</u>		<u>\$ 31,188,000</u>	<u>\$ 32,162,109</u>	

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
General Fund Revenues
Comparison of Actual and Budget to Prior Year
FYTD March 2021 Preliminary

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
Taxes:						
Sales	\$ 16,929,927	\$ 19,696,998	\$ 2,767,071	16,350,000	\$ 19,696,998	\$ 3,346,998
Property:						
Property	4,195,464	4,544,258	348,794	2,050,000	4,544,258	2,494,258
Payments in lieu of taxes	18,350	16,132	(2,218)	2,859	16,132	13,273
Total property taxes	4,213,814	4,560,390	346,576	2,052,859	4,560,390	2,507,531
Other						
Gasoline	412,057	352,488	(59,569)	410,000	352,488	(57,512)
Cigarette	37,252	32,826	(4,426)	30,450	32,826	2,376
Wine and liquor	15,584	16,237	653	14,000	16,237	2,237
Rental	339,707	336,015	(3,692)	325,000	336,015	11,015
Total other taxes	804,600	737,566	(67,034)	779,450	737,566	(41,884)
Total taxes	21,948,341	24,994,954	3,046,613	19,182,309	24,994,954	5,812,645
Licenses and permits:						
Occupational license	6,430,441	6,866,655	436,214	6,300,000	6,866,655	566,655
Business:						
General	2,940,930	2,882,125	(58,805)	1,500,000	2,882,125	1,382,125
Lodging	490,501	360,185	(130,316)	462,500	360,185	(102,315)
Franchise fee	299,956	333,886	33,930	257,500	333,886	76,386
Miscellaneous	235,274	241,862	6,588	130,000	241,862	111,862
Total business	3,966,661	3,818,058	(148,603)	2,350,000	3,818,058	1,468,058
Telecommunications permits and	2,000	4,500	2,500	11,000	4,500	(6,500)
Permits and inspections	482,824	647,406	164,582	400,000	647,406	247,406
Other	6,520	7,770	1,250	5,300	7,770	2,470
Total licenses and permits	10,888,446	11,344,389	455,943	9,066,300	11,344,389	2,278,089
Intergovernmental:						
Shared county motor vehicle	64,700	62,303	(2,397)	68,000	62,303	(5,697)
Shared state:						
Bank excise tax	14,365	417,483	403,118	99,500	417,483	317,983
Business privilege tax	-	-	-	37,000	-	(37,000)
Liquor tax profits	81,988	91,650	9,662	72,375	91,650	19,275
State asset forfeiture	1,935	19,973	18,038	566	19,973	19,407
Total shared state	98,288	529,106	430,818	209,441	529,106	319,665
Shared federal asset forfeiture	10,140	-	(10,140)	27,445	-	(27,445)
Other	43,792	37,000	(6,792)	61,332	37,000	(24,332)
Total intergovernmental	216,920	628,409	411,489	366,218	628,409	262,191
Charges for services:						
General government - other	12,705	14,465	1,760	12,000	14,465	2,465
Public Safety:						
Fire training/transport	4,261	7,239	2,978	2,000	7,239	5,239
City schools	-	-	-	75,000	-	(75,000)
Auburn University	4,489	-	(4,489)	-	-	-
EAMC	104,167	104,167	-	80,000	104,167	24,167
Other	1,433	3,262	1,829	89	3,262	3,173
Health - Graves and monuments	70,875	80,500	9,625	75,500	80,500	5,000
Public Works - Paving and plan	53,896	60,882	6,986	15,000	60,882	45,882
Culture and Rec - Entry and con	699,982	500,496	(199,486)	745,000	500,496	(244,504)
Total charges for services	951,808	771,011	(180,797)	1,004,589	771,011	(233,578)
Fines and forfeits:						
Municipal Court	155,101	184,487	29,386	195,500	184,487	(11,013)
Other	20,761	26,316	5,555	21,500	26,316	4,816
Total fines and forfeits	175,862	210,803	34,941	217,000	210,803	(6,197)
Grant income	4,198	8,711	4,513	-	8,711	8,711
Contributions: Mobile Clinic	61,450	0	(61,450)	0	-	-
Contributions: Other	56,047	11,610	(44,437)	4,737	11,610	6,873
Investment income	354,761	104,352	(250,409)	150,000	104,352	(45,648)
Miscellaneous	204,748	404,409	199,661	159,585	404,409	244,824
Total revenues	34,862,581	38,478,645	3,616,067	30,150,738	38,478,645	8,327,907
Other financing sources						
Operating transfers from Electric	1,500,000	1,500,000	-	1,500,000	1,500,000	-
Other transfers	24,672	5,124	(19,548)	1,551,050	5,124	(1,545,926)
Sale of capital assets	2,087	91,080	88,993	24,645	91,080	66,435
Total other financing sou	1,526,759	1,596,204	69,445	3,075,695	1,596,204	(1,479,491)
Total revenue and other fi	\$ 36,389,340	\$ 40,074,849	\$ 3,685,509	\$ 33,226,433	\$ 40,074,849	\$ 6,848,416

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
General Fund Expenditures
Comparison of Actual and Budget to Prior Year
FYTD March 2021 Preliminary

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
General government:						
Legislative	\$ 223,013	\$ 176,714	\$ (46,299)	\$ 202,406	\$ 176,714	\$ (25,692)
Executive	124,454	148,346	23,892	336,312	148,346	(187,966)
Legal	219,725	183,556	(36,169)	197,239	183,556	(13,683)
Administration	313,836	319,469	5,633	328,559	319,469	(9,090)
Accounting	265,892	277,986	12,094	298,322	277,986	(20,336)
Human resources	246,540	159,700	(86,840)	286,199	159,700	(126,499)
Information technology	1,246,380	1,835,757	589,377	1,486,653	1,835,757	349,104
Revenue	191,143	216,845	25,702	266,843	216,845	(49,998)
Municipal court	179,155	149,824	(29,331)	183,033	149,824	(33,209)
Purchasing	139,037	139,273	236	158,056	139,273	(18,783)
Community development	111,869	120,357	8,488	139,012	120,357	(18,655)
Planning	220,601	264,848	44,247	333,028	264,848	(68,180)
Other - nondepartmental	259,264	403,894	144,630	337,975	403,894	65,919
Total general governme	3,740,909	4,396,569	655,660	4,553,637	4,396,569	(157,068)
Public safety:						
Police	5,174,152	5,386,850	212,698	6,308,958	5,386,850	(922,108)
Probation	44,411	66,729	22,318	77,670	66,729	(10,941)
Fire	2,914,451	2,925,345	10,894	3,164,158	2,925,345	(238,813)
Other - nondepartmental	209,988	315,357	105,369	210,238	315,357	105,119
Total public safety	8,343,002	8,694,281	351,279	9,761,024	8,694,281	(1,066,743)
Public works:						
Streets	690,746	607,373	(83,373)	601,763	607,373	5,610
Engineering	384,816	496,970	112,154	565,750	496,970	(68,780)
Administration	252,689	330,809	78,120	313,510	330,809	17,299
Cemetery	119,237	112,825	(6,412)	140,325	112,825	(27,500)
Auto shop	278,237	341,221	62,984	888,830	341,221	(547,609)
Building maintenance	291,774	274,522	(17,252)	311,808	274,522	(37,286)
Inspection	226,733	233,662	6,929	311,823	233,662	(78,161)
Grounds maintenance	483,186	506,235	23,049	517,139	506,235	(10,904)
Total public works	2,727,418	2,903,617	176,199	3,650,948	2,903,617	(747,331)
Culture and recreation:						
Parks and recreation	2,405,818	2,294,713	(111,105)	2,912,739	2,294,713	(618,026)
Library	461,769	430,988	(30,781)	965,718	430,988	(534,730)
Other - nondepartmental	117,800	109,375	(8,425)	58,500	109,375	50,875
Total culture and recrea	2,985,387	2,835,076	(150,311)	3,936,957	2,835,076	(1,101,881)
Economic development:						
Development	188,205	163,025	(25,180)	293,955	163,025	(130,930)
Other - nondepartmental	327,977	439,788	111,811	616,164	439,788	(176,376)
Total economic develop	516,182	602,813	86,631	910,119	602,813	(307,306)
Health:						
Animal control	36,424	43,133	6,709	40,242	43,133	2,891
Mobile Clinic	-	-	-	-	-	-
Other	156,228	162,925	6,697	126,079	162,925	36,846
Total health	192,652	206,058	13,406	166,321	206,058	39,737
Education	1,656,500	1,947,083	290,583	1,665,500	1,947,083	281,583
Welfare	72,917	117,292	44,375	78,334	117,292	38,958
Capital outlay	4,869,625	9,237,244	4,367,619	13,603,233	9,237,244	(4,365,989)
Debt service						
Principal retirement	-	-	-	340,108	-	(340,108)
Interest and charges	-	-	-	8,938	-	(8,938)
Total debt service	-	-	-	349,046	-	(349,046)
Total expenditures	25,104,591	30,940,042	5,835,441	38,675,119	30,940,042	(7,735,077)
Other financing uses						
Transfers out:						
Transfers to PR/Jail const	1,742,619	2,084,078	341,459	1,700,000	2,084,078	384,078
Transfers to other funds	4,918,095	3,052,813	(1,865,282)	4,455,765	3,052,813	(1,402,952)
Total transfers out	6,660,714	5,136,892	(1,523,822)	6,155,765	5,136,891	(1,018,874)
Total expenditures and other f	\$ 31,765,305	\$ 36,076,934	\$ 4,311,619	\$ 44,830,880	\$ 36,076,934	\$ (8,753,946)

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

City of Opelika
Capital Outlay (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD March 2021 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	21,470	-	(21,470)	791,167	-	791,167
Human Resources	-	-	-	-	-	-
Information Technology	426,031	271,780	(154,251)	181,841	271,780	(89,939)
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	-	-	50,469	-	50,469
Other	-	-	-	1,256,419	-	1,256,419
Total general government	\$ 447,501	\$ 271,780	\$ (175,721)	\$ 2,279,896	\$ 271,780	\$ 2,008,116
Public Safety:						
Police	1,516,150	98,965	(1,417,185)	446,701	98,965	347,736
Probation	-	-	-	-	-	-
Fire	405,914	440,196	34,282	220,504	440,196	(219,692)
Total public safety	\$ 1,922,064	\$ 539,161	\$ (1,382,903)	\$ 667,205	\$ 539,161	\$ 128,044
Public Works:						
Streets	1,331,696	1,555,481	223,785	1,432,805	1,555,481	(122,676)
Engineering	522,029	2,253,916	1,731,887	2,692,735	2,253,916	438,819
Administration	393,116	436,078	42,962	224,441	436,078	(211,637)
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	\$ 2,246,841	\$ 4,245,475	\$ 1,998,634	\$ 4,349,981	\$ 4,245,475	\$ 104,506
Culture and Recreation:						
Parks and Recreation	253,220	607,371	354,151	341,340	607,371	(266,031)
Library	-	3,573,459	3,573,459	5,854,487	3,573,459	2,281,028
Total culture and recreation	\$ 253,220	\$ 4,180,830	\$ 3,927,610	\$ 6,195,827	\$ 4,180,830	\$ 2,014,997
Economic development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health, Education and Welfare	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total capital outlay expenditures	\$ 4,869,626	\$ 9,237,245	\$ 4,367,619	\$ 13,492,909	\$ 9,237,245	\$ 4,255,664
PROPRIETARY FUNDS						
Electric	1,128,467	1,228,994	100,527	4,034,306	1,228,994	2,805,312
Sewer	104,900	121,820	16,920	1,142,733	121,820	1,020,913
Solid Waste	394,018	-	(394,018)	320,944	-	320,944
Total Proprietary funds	\$ 1,627,385	\$ 1,350,814	\$ (276,571)	\$ 5,497,983	\$ 1,350,814	\$ 4,147,169
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	1,592	-	(1,592)	50,000	-	50,000
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	32,000	-	32,000
Road Construction - Street Resurfacing & Paving	-	-	-	93,718	-	93,718
2011 Road Construction - Street paving	-	-	-	496,782	-	496,782
Future Capital Improvement Projects	-	-	-	-	-	-
Capital Improvement funds - Other	-	685,824	685,824	1,474,388	685,824	788,564
Industrial Road Grant funds - Other	-	-	-	0	-	-
Total Other Governmental funds	\$ 1,592	\$ 685,824	\$ 684,232	\$ 2,146,888	\$ 685,824	\$ 1,461,064
Total	\$ 6,498,603	\$ 11,273,883	\$ 4,775,280	\$ 21,137,780	\$ 11,273,883	\$ 9,863,897

Attachment: March 2021 Financial Statements (4624 : City's Financial Summary Report for March 2021.)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 04/20/21 07:00 PM
Department: Building Inspection
Category: Building Permit Report.
Prepared By: Whitney Taunton

Initiator: Jeff Kappelman

Sponsors:

MAYOR'S REMARKS (ID # 4623)

DOC ID: 4623

March 2021 Monthly Building Report.

COMMENTS - Current Meeting:

Mayor Fuller asked Mr. Motley to give the March 2021 monthly building report and Mr. Motley did so.

City of Opelika Building Inspections Department

March 2021 Monthly Building Permit Detail Report

Issue Date	Main Address	Work Class	Company	Valuation
3/1/2021	3796 PEPPERELL PKWY B	Tenant Build Out	INFINITY GROUP LLC, THE	30,000.00
3/2/2021	807 6TH AVE	Alteration	PYTHOGE LLC	60,000.00
3/2/2021	508 6TH AVE	Alteration	Pythoge	70,000.00
3/2/2021	644 TOWNE LAKE PKWY	Addition	TRUITT DEVELOPMENTS, LLC	15,000.00
3/3/2021	2501 GATEWAY DR	Signs	Scott Services	12,500.00
3/3/2021	2701 ANDREWS RD	Signs	Sign Source	12,000.00
3/4/2021	304 N 6TH ST A	Alteration	B M ENNIS & CO INC	7,200.00
3/4/2021	1416 VICTORIA AVE	Roofs	R&D ENTERPRISE INC	15,000.00
3/4/2021	833 ASTER LN	New Single Family Detached	STONE MARTIN BUILDERS	187,976.00
3/5/2021	2702 STONVBROOK RD	Alteration	Four Seasons of Columbus	78,000.00
3/5/2021	1300 COVINGTON AVE	Roofs	RAMSEY & SONS	2,400.00
3/8/2021	4130 ANDREWS RD	New Single Family Detached	AMERICAS HOME PLACE	184,660.00
3/9/2021	1209 MONROE AVE	Accessory Buildings	Patricia Williams	2,750.00
3/9/2021	2707 WYNDHAM GATE BLVD	Roofs	WAYNES ROOFING	5,800.00
3/9/2021	2502 POPLAR ST	Alteration	Windows USA LLC	13,770.00
3/9/2021	1805 1ST AVE	Addition	Suliquey Pinto	18,000.00
3/10/2021	301 BYRD AVE	Roofs	AUBURN BUILDING COMPANY, LLC	2,400.00
3/10/2021	1206 LIVE OAK CIR	Swimming Pool	SUN POOL COMPANY	29,200.00
3/10/2021	2702 RIDGE RD	Addition	AUBURN FRAMING	115,000.00
3/12/2021	2263 LAKEVIEW DR	New Single Family Detached	STONE MARTIN BUILDERS	270,019.00
3/12/2021	751 VIOLET LN	New Single Family Detached	STONE MARTIN BUILDERS	280,233.00
3/12/2021	509 1ST AVE	Alteration	Loretta Wanat	15,000.00
3/12/2021	1829 CUSHMAN DR	New Single Family Detached	STONE MARTIN BUILDERS	259,821.00
3/12/2021	2196 SHERWOOD DR	New Single Family Detached	STONE MARTIN BUILDERS	151,826.00
3/12/2021	2245 LAKEVIEW DR	New Single Family Detached	STONE MARTIN BUILDERS	212,640.00
3/12/2021	1685 VIOLET LN	New Single Family Detached	STONE MARTIN BUILDERS	228,578.00
3/12/2021	1858 MORNING GLORY DR	New Single Family Detached	STONE MARTIN BUILDERS	268,998.00
3/12/2021	578 HIGH DR	New Single Family Detached	STONE MARTIN BUILDERS	228,578.00

3/12/2021	2191 JENKINS WAY	New Single Family Detached	STONE MARTIN BUILDERS	268,405.00
3/12/2021	1831 CANNON GATE DR	New Single Family Detached	STONE MARTIN BUILDERS	268,405.00
3/15/2021	2640 ENTERPRISE DR	Alteration	STEWART/PERRY CO INC, THE	217,717.90
3/15/2021	710 COLUMBUS PKWY	Alteration	WOOLARD ATTMAN CONSTRUCTION, INC	2,825,000.00
3/16/2021	1309 CORDELIA DR	Alteration	POLO CONSTRUCTION CO, LLC	16,040.00
3/17/2021	656 VILLAGE DR	New Single Family Detached	HOLLAND HOMES LLC	127,557.00
3/17/2021	1201 S FOX RUN PKWY	Signs	EFFECTIVE SIGNS LLC	25,330.23
3/17/2021	664 VILLAGE DR	New Single Family Detached	Holland Homes LLC	127,557.00
3/18/2021	2760 ENTERPRISE DR	Tenant Build Out	TRINITY CUSTOM HOMES	59,800.00
3/18/2021	1930 NIGHTSONG LN	New Single Family Detached	STONE MARTIN BUILDERS	228,578.00
3/18/2021	1787 MORNING GLORY DR	New Single Family Detached	STONE MARTIN BUILDERS	228,578.00
3/18/2021	1697 AZALEA CT	New Single Family Detached	STONE MARTIN BUILDERS	306,238.00
3/18/2021	501 GENEVA ST B	Addition	Shane Neese	20,000.00
3/18/2021	1989 NIGHTSONG LN	New Single Family Detached	STONE MARTIN BUILDERS	307,909.00
3/19/2021	2501 GATEWAY DR	Fire Alarm	ALABAMA FIRE SPRINKLER CONTRACTORS, LLC	7,100.00
3/19/2021	114 S 7TH ST A	Roofs	Superior Roofing	19,100.00
3/20/2021	1200 JETER AVE	Roofs	Encore Roofing, Inc.	256,000.00
3/20/2021	407 WITTEL CT	Roofs	MJR SOLUTIONS LLC	4,200.00
3/22/2021	3000 PEPPERELL PKWY 11	Alteration	ELECTRICAL ADDITIONS	18,823.00
3/22/2021	2002 GLENWOOD DR	Alteration	FREEMANS CUSTOM WINDOWS INC	4,610.00
3/22/2021	1018 SKI SPRAY PT	New Single Family Detached	ADAMSON CONSTRUCTION GROUP LLC	401,748.00
3/22/2021	3565 TRE-VON CT	New Single Family Detached	MOORES CONSTRUCTION	269,381.00
3/22/2021	1017 SKI SPRAY PT	New Single Family Detached	ADAMSON CONSTRUCTION GROUP LLC	266,620.00
3/23/2021	1500 DOUGLAS ST	Roofs	Dylan Jackson	1,500.00
3/23/2021	1736 MORNING GLORY DR	Swimming Pool	Laura Herring	30,000.00
3/23/2021	1403 RIDGE RD	Alteration	PAINTING PARALEON	4,000.00
3/24/2021	1993 PEPPERELL PKWY	Alteration	Victoria Fritz	7,000.00
3/24/2021	2640 ENTERPRISE DR	Alteration	CONILON CONSTRUCTION CO	119,519.00
3/24/2021	2646 DUNSTAN LN	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	243,004.00
3/24/2021	865 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	253,128.00
3/24/2021	873 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	238,520.00
3/24/2021	823 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	246,300.00
3/24/2021	1001 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	180,240.00
3/24/2021	815 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	237,162.00

3/24/2021	879 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	312,716.00
3/24/2021	1113 COLLINWOOD ST	Addition	DAVID MYERS CONSTRUCTION INC	65,000.00
3/24/2021	545 HIGH DR	New Single Family Detached	STONE MARTIN BUILDERS	245,760.00
3/24/2021	2801 HEATHER PL	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	237,386.00
3/24/2021	1677 HIDDEN LAKES DR	New Single Family Detached	STONE MARTIN BUILDERS	262,846.00
3/25/2021	816 MORRIS AVE	Roofs	SUPERIOR ROOFING CO	9,720.00
3/25/2021	2834 SPRING LAKES XING	Alteration	Four Seasons of Columbus	26,600.00
3/26/2021	912 CUTLER RIDGE CT	Accessory Buildings	Kellie Herrod	6,700.00
3/26/2021	1291 BURROW CIR	New Single Family Attached	HOLLAND HOMES LLC	107,783.00
3/26/2021	1287 BURROW CIR	New Single Family Attached	HOLLAND HOMES LLC	104,963.00
3/26/2021	652 VILLAGE DR	New Single Family Detached	HOLLAND HOMES LLC	203,900.00
3/29/2021	1615 THOMASON DR S	New	SUN SELF STORAGE INC	40,000.00
3/29/2021	1615 THOMASON DR R	New	SUN SELF STORAGE INC	40,000.00
3/29/2021	1615 THOMASON DR Q	New	SUN SELF STORAGE INC	40,000.00
3/29/2021	615 6TH AVE A	Roofs	B&L ROOFING	8,500.00
3/30/2021	1667 AZALEA CT	New Single Family Detached	STONE MARTIN BUILDERS	268,998.00
3/30/2021	544 HIGH DR	New Single Family Detached	STONE MARTIN BUILDERS	265,569.00
3/30/2021	518 HIGH DR	New Single Family Detached	STONE MARTIN BUILDERS	259,821.00
3/30/2021	2707 EASTPOINT DR	Alteration	COLUMBUS FOUR SEASONS SUNROOMS	12,605.00
3/30/2021	1680 AZALEA CT	New Single Family Detached	STONE MARTIN BUILDERS	301,740.00
3/30/2021	3517 TRE-VON CT	New Single Family Detached	MOORES CONSTRUCTION	268,926.00
3/30/2021	3529 TRE-VON CT	New Single Family Detached	MOORES CONSTRUCTION	269,381.00
3/30/2021	1982 CANNON GATE DR	New Single Family Detached	STONE MARTIN BUILDERS	259,821.00
3/30/2021	2158 CHAPEL LN	New Single Family Detached	STONE MARTIN BUILDERS	187,976.00
3/31/2021	2100 INDUSTRIAL BLVD	New	SCF ERECTIONS LLC	325,000.00
				\$14,755,158.13

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

Monthly Permits for March 2021

Building Repairs	8	17
Plumbing Upgrades	1	4
Electrical Upgrades	4	7
Mechanical Upgrades	1	5
Reroofs And Roof Repairs	1	11
Mobile Home Services	0	0
Building Additions/Accessory Structures	0	7

2015	\$	30,207,661.00
2016	\$	9,272,265.00
2017	\$	4,828,681.00
2018	\$	12,454,319.00
2019	\$	15,232,323.19
2020	\$	6,011,445.20
2021	\$	14,755,158.13

Total Permits Issued

4	New Buildings: Commercial	\$	445,000.00
9	Commercial Renovations And Repairs	\$	3,540,959.90
3	Signs	\$	49,830.23
40	New Single Family Homes	\$	9,817,499.00
34	Residential Repairs And Renovations	\$	901,869.00
0	New Apartment Units	\$	-
0	New Duplex Residences	\$	-

90

Total Permits for March 2021

\$14,755,158.13

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Chief Building Inspector

Attachment: March 2021 Building Inspections Detail Report (4623 : March 2021 Monthly Building Report.)





BUILDING INSPECTIONS

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

Fiscal Year To Date Report - 2021

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	1
Building Repairs	25	58
Plumbing Upgrades	10	44
Electrical Upgrades	24	83
Mechanical Upgrades	13	71
Reroofs And Roof Repairs	9	53
Mobile Home Services	0	5
Building Additions/Accessory Structures	6	54

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:

20	New Buildings: Commercial	\$ 15,091,199.03
36	Commercial Renovations And Repairs	\$ 10,697,759.90
30	Signs	\$ 296,271.70
187	New Single Family Homes	\$ 45,390,777.60
167	Residential Repairs And Renovations	\$ 3,588,575.61
168	New Apartment Units	\$ 23,198,920.00
8	New Duplex Residences	\$ 1,219,368.00

616

Permit Total Issued for FY 2021

\$ 99,482,871.84

JEFF KAPPELMAN
Chief Building Inspector





City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 04/20/21 07:00 PM
Department: City Clerk
Category: Proclamation
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:

MAYOR'S REMARKS (ID # 4633)

DOC ID: 4633

Proclamation for "Cancer Doesn't Take a Holiday!" week and "Relay for Life Day".

COMMENTS - Current Meeting:

Mayor Fuller invited former President Pro-Tem Patsy Jones and the co-chair's of Relay for Life Lee County, Randy and Debbie Causey, up front and read the proclamation. Mr. Causey then explained when, where, and what the Relay for Life event taking place would involve, and thanked the city for being a sponsor and helping with their event. Mayor Fuller then expressed his appreciation for what Mr. Causey and Ms. Jones do for Relay for Life each year.



From the Governing Body
of
Opelika, Alabama



Proclamation



WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, The American Cancer Society's research program was founded in 1946 and has invested \$5.0 billion in cancer research since that time; and

WHEREAS, Scientists supported by the American Cancer Society have made great contributions in establishing links to cancer, found effective tests to detect cancer early, and have developed successful treatments for many cancers; and

WHEREAS, the success of the Society's research program is exemplified by the fact that 38 Nobel Prize winners received grant support from the American Cancer Society before they were awarded the prize; and

WHEREAS, the American Cancer Society is a voluntary community-based health organization dedicated to eliminating cancer as a major health problem; and

WHEREAS, Due to COVID 19, Lee County is hosting a Drive-By Relay for Life Event, which is a "Celebration of Life" event that honors those who have survived Cancer and remembers those who fought the good fight and left us all with a valuable legacy to carry on in their name.

NOW, THEREFORE, I Gary Fuller, Mayor of Opelika, Alabama, do hereby proclaim the week of April 26-30, 2021 as "***Cancer Doesn't Take a Holiday!***" Week in the City of Opelika and encourage everyone to display their support for Relay for Life and the American Cancer Society by placing purple bows on their doors.

I ALSO DECLARE Friday, April 30, 2021, as "***RELAY FOR LIFE DAY***" in the City of Opelika and encourage all citizens to wear purple in support of the American Cancer Society's war against Cancer, and in celebration of life and victory over this disease.

IN WITNESS, WHEREOF, I have hereunder set my hand and caused the seal of Opelika, Alabama, to be affixed this the 20th day of April 2021.

Gary Fuller
Mayor, City of Opelika



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 04/20/21 07:00 PM
Department: City Clerk
Category: Proclamation
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:

MAYOR'S REMARKS (ID # 4614)

DOC ID: 4614

Proclamation for National Crime Victims' Rights Week.

COMMENTS - Current Meeting:

Mayor Fuller invited Jessica Ventiere and Melissa Cupit up front and read the proclamation. Ms. Ventiere then explained more about what the county is doing for Victims' Rights and Awareness week and thanked the Opelika Police Department for their support, as well as what each day's theme was for the week. Ms. Venitere asked if the police officers present would join them for the photo.



From the Governing Body of
Opelika, Alabama



Proclamation



WHEREAS, being a victim of crime and navigating the criminal justice system can be a frightening and confusion experience: and

WHEREAS, progress in improving the treatment of crime victims has been made through the efforts of thousands of victims and survivors who have turned their own experiences into a force for positive change, ensuring that others can receive justice, meaningful assistance, and compassionate treatment before the law; and

WHEREAS, since the passage of the Victims of Crime Act of 1984, and through the dedicated work of advocates, lawmakers, and victim service providers, there is a growing array of services and resources available to victims and their loved ones, and

WHEREAS, honoring the rights of victims – including the rights to be heard and to be treated with fairness, dignity, and respect – and working to meet their needs rebuilds their trust in the criminal justice and social service systems; and

WHEREAS, individuals' trust in the compassion, understanding, and support of their communities is achieved through sustained, deep-rooted, and coordinated outreach; and

WHEREAS, identifying, reaching, and serving all victims of crime – especially those from groups that often have less access to healing services and avenues to justice – is essential; and

WHEREAS, our community's continued engagement with the challenges faced by victims of crime will ensure that the progress made to date is not lost, and that new ground is broken to gain greater justice and healing for all victims; and

WHEREAS, *National Crime Victims' Rights Week, April 18 – 24, 2021* provides an opportunity to recommit ensuring that accessible, appropriate, and trauma-informed services are offered to all victims of crime.

NOW, THEREFORE, I, Gary Fuller, Mayor of the City of Opelika, is dedicated to supporting victims and survivors in the aftermath of crime, building trust among our community; collaborating with other service providers, and engaging our community in response efforts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Opelika, AL to be affixed this the 20th day of April 2021.

Gary Fuller
Mayor, City of Opelika

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 04/20/21 07:00 PM

Department: City Clerk

Category: Proclamation

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

MAYOR'S REMARKS (ID # 4593)

DOC ID: 4593

Proclamation for Knee High Foundation, Inc.

COMMENTS - Current Meeting:

Mayor Fuller then asked Alyssa Foreman and Anthony Bryant to come up front and read the proclamation.



From the Governing Body
of
Opelika, Alabama



Proclamation



WHEREAS, the Knee High Foundation, Inc. (the “Foundation”) is a privately funded non-profit organization dedicated to mentoring, serving and uplifting the youth of our community; and

WHEREAS, since its inception in 2017, the Foundation has inspired youth groups by emphasizing appropriate values, morals, ethics, and life skills ; and

WHEREAS, the Foundation’s two focal points in the community have been its travel and cheer programs (Opelika Dawg Pound); and

WHEREAS, the Foundation has contributed to our community in many ways, including sponsoring the annual Dawg Pound bookbag giveaway and the adopted Veterans Nursing Home program, providing turkeys to low-income families during the holidays, providing gift baskets to cancer survivors, assisting tornado victims, and providing volunteers for the Salvation Army.

NOW, THEREFORE, I, Gary Fuller, Mayor of the City of Opelika, Alabama by the authority vested in me and on behalf of the entire City Council, do hereby honor and recognize The Knee High Foundation for its contributions to the youth of the City of Opelika and commend its leaders and volunteers for their contributions to the success of the Foundation.

IN WITNESS, WHEREOF, I have hereunder set my hand and caused the seal of Opelika, Alabama, to be affixed this the 20th day of April 2021.

Gary Fuller
Mayor, City of Opelika

C.E. “Eddie” Smith, Jr.
President, City Council – Ward 4

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 4615)**

Meeting: 04/20/21 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4615

Request for Downtown Juneteenth Celebration March on 6-18-21.

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



REQUEST TEMPORARY STREET CLOSURE

DATE this request made: April 06, 2021

NAME OF INDIVIDUAL: Janataka Holmes
 ADDRESS: 1012 Covenant Drive
Opelika, AL 36801

PHONE #: (334) 559-5183
 EMAIL Address: Janatakah@gmail.com

NAME OF ORGANIZATION: Janataka Holmes
 ADDRESS: 1012 Covenant Drive
Opelika, AL 36801

PHONE #: (334) 559-5183

REASON FOR REQUEST: Juneteenth Peaceful March for Social Justice
Juneteenth Observance & Celebration

Information needed:

1. Date of event. Friday, June 18, 2021
2. Start and end time. 5:30pm – 8:00pm
3. Est. number of participants. 200
4. Map of route or detailed route description with start/end points. Map attached.
5. Specific location on route of street barricades if needed. Attached on Map
6. If barricades are needed, you must provide volunteers to man all barricades during the entire event.
7. If needed, please provide a list of where you will place signs in the city's right-of-way. This will be approved as part of your overall plan. Signs will need to be put out day of event and taken up immediately following end of event.

Note: If event is to be held in downtown Opelika, your request must first be approved by Opelika Main Street and then the Mayor & City Council.

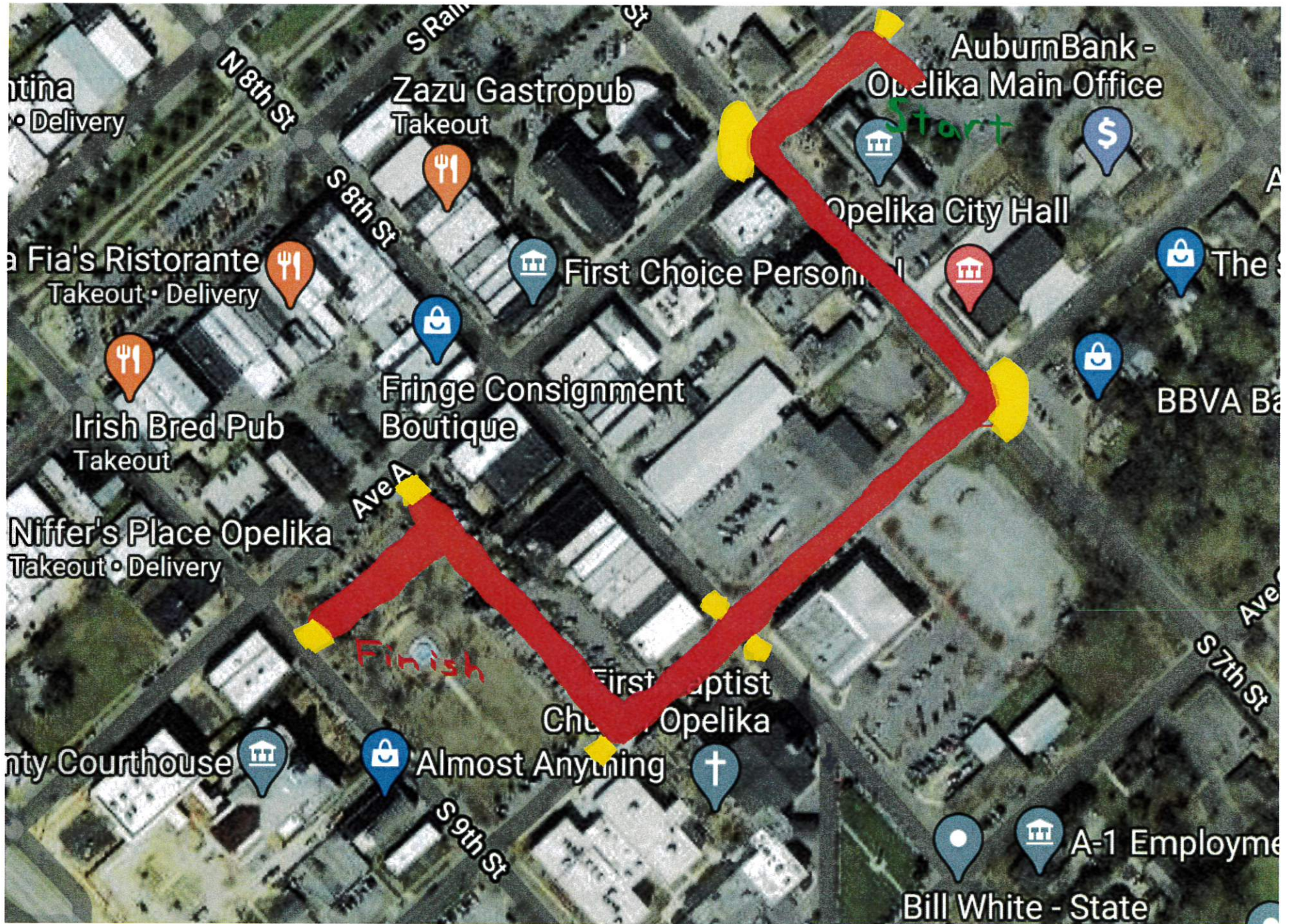
SIGNED: JHolmes
 NAME (printed): Janataka Holmes

Email completed form & information to: Russell A. Jones
 City Clerk
rjones@opelika-al.gov
 334-705-5110

Contacts:

For barricades, call Mike Hilyer at ESG/Public Works: 705-5413

For additional garbage cans or recycling cans, call Terry White at Environmental Services: 705-5480





City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 04/20/21 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 4618)

DOC ID: 4618

Request Alcohol License - Ganesha G Store LLC DbA G Mart, Retail Beer and Wine Off Premise.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 04/20/21 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 4627)

DOC ID: 4627

Request Alcohol License - Boardem Gaming Cafe, LLC DBA Gear Gaming Opelika, Retail Beer and Wine On & Off Premise.

COMMENTS - Current Meeting:

After the roll call vote, President Smith thanked the owners of Gear Gaming Opelika for their investment in the city, congratulated them, and wished them good luck.

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

RESOLUTION NO. 081-21

Expense Reports from Various Departments.

RESOLUTION NO. _____

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

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

Employee	Department	\$ Amount
-----	-----	-----
Natalie Magouirk	Information Technology	\$60.58

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

ADOPTED and APPROVED this the ____ day of _____, 2021.

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

ATTEST:

Russell A. Jones

City Clerk

EXPENSE REPORT

NAME Natalie Magouirk DEPARTMENT Information Technology PERIOD ENDING 4/2/2021

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

DATE	CITY AND STATE	LODGING	AIR, RAIL, ETC	RENTAL CAR, LIMO, ETC.	TRANSPORTATION		BUSINESS MEALS			MISC EXPENSES Itemize Below	DAILY TOTAL	
					LOCAL TAXI, TOLLS, & PUBLIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
4/2/2021	Opelika to Montgomery AL						\$ 30.29				\$ 30.29	
4/2/2021	Montgomery to Opelika AL						\$ 30.29				\$ 30.29	
											\$ -	
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WEEKLY CATEGORY TOTALS \$		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60.58	\$ -	\$ -	\$ -	\$ -	\$ 60.58

Agree to P.O.
Exts Verified
Footing Verified
Inv. Price Bio Price
Ok To Pay
A/C # Verified

ITEMIZED BUSINESS MEALS				
DATE	PERSON(S) DINING;	TIME	PLACE	AMOUNT

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING, REPAIRS, ETC	AMOUNT
4/2/21	Opelika to Montgomery 54.1 @ .56	\$ 30.29
4/2/21	Montgomery to Opelika 54.1 @ .56	\$ 30.29

ITEMIZED MISCELLANEOUS EXPENSES			
DATE	ITEMS	AMOUNT	

NUMBER OR DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

Seeking repair for 2019 MacBook Pro
belonging to Comm. Rel. Dept.

METHOD OF REIMBURSEMENT

MAIL TO

Information Technology

SIGNATURE

APPROVED BY

Attachment: Expense Report- Magouirk (081-21 : Expense Reports from Various Departments.)

RESOLUTION NO. 082-21

Approve License Agreement with BOE for Fireworks Exhibition and Display - P&R.

RESOLUTION NO. _____

**RESOLUTION APPROVING LICENSE AGREEMENT FOR
FIREWORKS EXHIBITION AND DISPLAY**

WHEREAS, the City desires to use a portion of the Opelika High School campus for the 2021 Freedom Celebration Fireworks Exhibition and Display on July 3, 2021 at 5:00pm; and

WHEREAS, the Opelika City Board of Education is willing to grant the City a license agreement to use certain areas of the campus under certain terms and conditions; and

WHEREAS, a proposed License Agreement was 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.

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

1. That the attached License Agreement to be entered into between the City and Opelika City of Board of Education is hereby approved, authorized, ratified and confirmed.
2. That the Mayor is hereby authorized to execute and deliver said License Agreement in the name and on behalf of the City.
3. That the officers of the City and any 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, other instruments or 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 provisions of this Resolution and the attached License Agreement.
4. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the ____ day of _____, 2021.

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

ATTEST:

CITY CLERK

LICENSE AGREEMENT FOR FIREWORKS EXHIBITION AND DISPLAY

THIS LICENSE AGREEMENT is entered into this the _____ day of _____, 2021, by and between OPELIKA CITY BOARD OF EDUCATION, sometimes referred to hereinafter as the “Board”, and the CITY OF OPELIKA, ALABAMA, a municipal corporation, sometimes referred to hereinafter as the “City”.

RECITALS

WHEREAS, the City desires to use a portion of the Opelika High School Campus for the 2021 Freedom Celebration fireworks exhibition and display (the “events”); and

WHEREAS, the Board is willing to grant the City a license to use certain areas of the campus in accordance with the terms and conditions set forth herein.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Grant of License. The Board hereby grants the City, upon the terms and conditions hereinafter expressed, a license to use those areas of the campus described in Exhibit “A” hereto, (the “Authorized Areas”) including rights of ingress and egress for the City’s Independence Day exhibition and display to be held on July 3, 2021. The City and its contractor may begin setup July 2, 2021. The City shall employ a licensed pyrotechnic operator to supervise, manage and direct the discharge of outdoor display fireworks.

2. Covenants of the City. The City hereby covenants with the Board:

- a. To obtain all necessary permits and licenses, pay all charges and fees, and give all notices necessary and incidental in connection with the event.

- b. To review the display site conditions in advance of the event and correct any deficiencies.
- c. To police, monitor and appropriately control the behavior of spectators attending the event.
- d. To provide adequate police protection, roping, fencing and/or other fire control measures.
- e. To clean up all debris in Authorized Areas after the conclusion of the event.
- f. To take all reasonable precautions to protect against bodily injury or property damages that may occur in connection with the event.

3. Indemnification. The City hereby agrees to indemnify and save the Board harmless from and against all claims, costs, liabilities, damages, and expenses, (including, but not limited to, reasonable attorney's fees) arising directly out of or in connection with

- a. Any negligence, omission, fault, strict liability or product liability in connection with the event;
- b. Any failure of the City or its contractor to comply with any applicable law, ordinance, rule, regulation, order, license, permit, and other requirement now or hereinafter in effect, of any governmental authority; or
- c. Any breach of or default under this Agreement by the City.

4. Governing Law. This Agreement shall be interpreted, construed and enforced in all respects in accordance with the laws of the State of Alabama.

5. Entire Agreement. This Agreement contains the entire Agreement of the parties and all representations, agreements and statements made previously by any party to the other, except as set forth herein, are null and void.

6. Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

7. Amendments. This Agreement constitutes the full and complete agreement between the parties hereto. It may, however, be amended in writing by mutual agreement of the parties hereto.

IN WITNESS WHEREOF, the undersigned authorized officials of the parties have hereunto set their hands on the day and year first above written.

OPELIKA CITY BOARD OF EDUCATION

BY: _____
IT'S SUPERINTENDANT

DATE: _____

CITY OF OPELIKA, ALABAMA

BY: _____
IT'S MAYOR

DATE: _____

RESOLUTION NO. 083-21

Five (5) ADECA Grant Applications.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE SUBMITTAL OF FIVE GRANT APPLICATIONS
TO THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS,
LAW ENFORCEMENT AND TRAFFIC SAFETY DIVISION**

WHEREAS, the East Central Alabama Highway Safety Office is located in City of Opelika, Alabama; and

WHEREAS, the City of Opelika, Alabama (the “City”) has been delegated the responsibility for administration of certain grant programs through the Alabama Department of Economic and Community Affairs, Law Enforcement and Traffic Safety Division for the following 18 counties in the East Central Region of Alabama: Lee, Macon, Elmore, Chambers, Tallapoosa, Coosa, Chilton, Randolph, Clay, Talladega, Shelby, Cleburne, Calhoun, St. Clair, Jefferson, Blount, Etowah and Cherokee; and

WHEREAS, the City intends to apply for grant funds (for the fiscal year beginning October 1, 2021 and ending September 30, 2022, for the following law enforcement and safety activities and in the following amounts:

- (a) Community Traffic Safety Program Administration Grant-Fast Act. \$185,336.41
- (b) 402 Selective Traffic Enforcement-Fast Act. \$1,103,090.00
- (c) Impaired Driving Hotspot Sustained Enforcement-Fast Act \$257,840.00
- (d) FY 2020 Click It or Ticket It Law Enforcement Campaign-Fast Act \$73,077.00

- (g) FY 2020 Drive Sober or Get Pulled Over Campaign-Fast Act \$41,176.00

; and

WHEREAS, if awarded, the City will enter into grant agreements with the Alabama Department of Economic and Community Affairs, Law Enforcement Traffic Safety Division for implementation of said grants; and

WHEREAS, if awarded, grant funds will be distributed to law enforcement agencies in the 18 counties in the East Central Alabama Region of the State of Alabama; and

WHEREAS, five (5) grant applications have been prepared and submitted to the City Council for approval as follows:

- (a) Community Traffic Safety Program Administration Grant-Fast Act Application
(Exhibit “A”)
- (b) 402 Selective Traffic Enforcement Grant-Fast Act Application (Exhibit “B”)
- (c) Impaired Driving Hotspot Sustained Enforcement Grant-Fast Act Application
(Exhibit “C”)
- (d) FY 2021 Click It or Ticket It Law Enforcement Campaign Grant-Fast Act
Application (Exhibit “D”)
- (e) FY 2021 Drive Sober or Get Pulled Over Campaign Grant-Fast Act Application
(Exhibit “E”)

Collectively referred to as the “Grant Applications”; and

WHEREAS, the City Council has determined that it is now in the best interest of the City and its citizens to approve said grant applications.

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

1. That the City Council of the City of Opelika, Alabama, authorizes the submittal of

the above grant applications to the Alabama Department of Economic and Community Affairs Law Enforcement and Traffic Safety Division

2. That the Mayor and the Controller (financial officer) are hereby authorized and empowered to execute in the name and on behalf of the City all grant documents, including, but not limited to, the grant applications, necessary to secure grant funds and to implement the above grant projects.

3. That the City agrees to act as the fiscal agent for the administration of the above-referenced grant programs.

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

5. That the Mayor and Controller are hereby authorized and directed to make all appropriate accounting and budget entries necessary to carry into effect the provisions of the attached Agreement.

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

ADOPTED AND APPROVED this the _____ day of _____, 2021.

PRESIDENT OF THE CITY COUNCIL

OF THE CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cover Page

1. Applicant

3. Authorizing Official

Name	Mr. Gary Fuller
Title	Mayor
Address	204 South Seventh Street Post Office Box 390 Opelika, AL 36803-0390
Phone #	334-705-5150
Fax #	334-705-5153
E-Mail	Gfuller@opelika-al.gov

2. Implementing Agency

Signature _____ Date: _____

Name	City of Opelika
Phone #	334-705-5150

4. Project Director

5. Financial Officer

Name Terry J. Henderson
Address 700 Fox Trail
Opelika, AL 36801
Phone # 334-705-5455
Fax #
E-Mail thenderson@opelika-al.gov

Name Cynthia Boyd - Controller
Address Post Office Box 390
 Opelika, Al 36803-0390
Phone # 334-705-5181
Fax # 334-705-5153
E-Mail CBoyd@opelika-al.gov

Signature _____ Date: _____

Signature _____ Date: _____

6. Type of Application

7. Program Under Which Application is Made

☐ Original

☒ Continuation of Previous Grant

(Include Purpose Areas addressed if applicable)

NHTSA	Section 402 Funds	FAST Act
-------	-------------------	----------

Number:

8. Active membership in any Statewide associations or coalitions?

9. Project Start Date (Estimated)

10. Project Ending Date (Estimated)

October 1, 2021

September 30, 2022

11. Name of the Project: (Brief Descriptive Title)

12a. Grant Funds Requested	\$	185,336.41
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FY 2022 Community Traffic Safety Program

12b. In-Kind Match Provided	\$	61,778.80
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12c. In-Kind Match Required	\$ 61,778.80
------------------------------------	--------------

[illegible]

13. Will other federal support be available for any part of this project? ☐ Yes ☒ No

14. DUNS Number:

831542035

(If yes, identify and explain on Page 3)

15. Sam.gov Registration Expiration Date:

5/12/2021

16. Congressional Districts Served:

One Served (3rd)

17. Organization Type (Check one which applies)

☐ State Agency ☐ Public College or University ☐ Private Not-for-Profit Agency
☒ Local Government ☐ Private College or University ☐ Private For-Profit Company
☐ Other Government Entity ☐ Public Not-for-Profit Agency ☐ Private Individual

18. Project Summary: *(Suitable for a news release pertaining to this project)*

The East Central Alabama Traffic Safety Office at The City of Opelika, Alabama is requesting funding necessary to support operations of the Community Highway Safety Office for the (18) counties in the East Central Region of the State of Alabama. The staff of the Highway Safety Office will award funding to approved agencies for enforcement within the East Central region. These agencies will receive awards to provide enforcement such as checkpoints, line, or saturation patrols within their jurisdictions. Enforcement will be at "Hotspot" locations as identified by the University of Alabama CAPS division. Funding for this grant will begin October 1, 2021 and end September 30, 2022.

Alabama Department of Economic and Community Affairs
Law Enforcement and Traffic Safety Division
 401 Adams Avenue
 P.O. Box 5690
 Montgomery, AL 36103-5690

Revised 6/05/2014

Cover Page

Application is hereby made for a grant under the program described in item 7 below in the amount and for the purpose set forth in this application

1. Applicant Name City of Opelika Address Post Office Box 390 Opelika, AL 36803-0390 Phone # 334-705-5150 Fax # 334-705-5153 E-Mail	3. Authorizing Official Name Mr. Gary Fuller Title Mayor Address 204 South Seventh Street Post Office Box 390 Opelika, AL 36803-0390 Phone # 334-705-5150 Fax # 334-705-5153 E-Mail Gfuller@opelika-al.gov Signature _____ Date: _____
2. Implementing Agency Name City of Opelika Phone # 334-705-5150	5. Financial Officer Name Cynthia Boyd - Controller Address Post Office Box 390 Opelika, AL 36803-0390 Phone # 334-705-5181 Fax # 334-705-5153 E-Mail CBoyd@opelika-al.gov Signature _____ Date: _____
4. Project Director Name Terry J. Henderson Address 700 Fox Trail Opelika, AL 36801 Phone # 334-705-5455 Fax # E-Mail thenderson@opelika-al.gov Signature _____ Date: _____	7. Program Under Which Application is Made (Include Purpose Areas addressed if applicable) NHTSA Section 402 Funds FAST Act
6. Type of Application ☐ Original ☒ Continuation of Previous Grant Number:	
8. Active membership in any Statewide associations or coalitions?	
9. Project Start Date (Estimated) October 1, 2021	10. Project Ending Date (Estimated) September 30, 2022
11. Name of the Project: (Brief Descriptive Title) FY 2022 Selective Traffic Enforcement Program	12a. Grant Funds Requested \$ 1,103,090.00
	12b. In-Kind Match Provided \$ -
	12c. In-Kind Match Required \$ -
13. Will other federal support be available for any part of this project? ☐ Yes ☒ No (If yes, identify and explain on Page 3)	14. DUNS Number: 831542035 15. Sam.gov Registration Expiration Date: 5/12/2021
16. Congressional Districts Served: One Served (3rd)	
17. Organization Type (Check one which applies) ☐ State Agency ☐ Public College or University ☐ Private Not-for-Profit Agency ☒ Local Government ☐ Private College or University ☐ Private For-Profit Company ☐ Other Government Entity ☐ Public Not-for-Profit Agency ☐ Private Individual	
18. Project Summary: (Suitable for a news release pertaining to this project) The East Central Alabama Traffic Safety Office at The City of Opelika, Alabama is requesting funding necessary to support operations of the Community Highway Safety Office for the (18) counties in the East Central Region of the State of Alabama. The staff of the Highway Safety Office will award funding to approved agencies for enforcement within the East Central region. These agencies will receive awards to provide enforcement such as checkpoints, line, or saturation patrols within their jurisdictions. Enforcement will be at "Hotspot" locations as identified by the University of Alabama CAPS division. Funding for this grant will begin October 1, 2021 and end September 30, 2022.	

Attachment: Exhibit B (083-21 : Five (5) ADECA Grant Applications.)

Revised 6/05/2014 Cover Page

Cover Page

1. Applicant	3. Authorizing Official
--------------	-------------------------

2. Implementing Agency		Fax #	334-705-5153
		E-Mail	Gfuller@opelika-al.gov
Name	City of Opelika	Signature	Date:
Phone #	334-705-5150		

2. Implementing Agency		Fax #	334-705-5153
		E-Mail	Gfuller@opelika-al.gov
Name	City of Opelika	Signature	Date:
Phone #	334-705-5150		

4. Project Director		5. Financial Officer	
Name	Terry J. Henderson	Name	Cynthia Boyd - Controller
Address	700 Fox Trail Opelika, Al 36801	Address	Post Office Box 390 Opelika, Al 36803-0390
Phone #	334-705-5455	Phone #	334-705-5181
Fax #		Fax #	334-705-5153
E-Mail	thenderson@opelika-al.gov	E-Mail	CBoyd@opelika-al.gov
Signature	Date:	Signature	Date:

4. Project Director		5. Financial Officer	
Name	Terry J. Henderson	Name	Cynthia Boyd - Controller
Address	700 Fox Trail Opelika, Al 36801	Address	Post Office Box 390 Opelika, Al 36803-0390
Phone #	334-705-5455	Phone #	334-705-5181
Fax #		Fax #	334-705-5153
E-Mail	thenderson@opelika-al.gov	E-Mail	CBoyd@opelika-al.gov
Signature	Date:	Signature	Date:

6. Type of Application ☐ Original ☒ Continuation of Previous Grant Number:	7. Program Under Which Application is Made (Include Purpose Areas addressed if applicable) NHTSA Section 405d Funds FAST Act
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6. Type of Application ☐ Original ☒ Continuation of Previous Grant Number:	7. Program Under Which Application is Made (Include Purpose Areas addressed if applicable) NHTSA Section 405d Funds FAST Act
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8. Active membership in any Statewide associations or coalitions?

9. Project Start Date (Estimated) October 1, 2021	10. Project Ending Date (Estimated) September 30, 2022
--	---

9. Project Start Date (Estimated) October 1, 2021	10. Project Ending Date (Estimated) September 30, 2022
--	---

11. Name of the Project: (Brief Descriptive Title) FY 2022 Impaired Driving Enforcement Campaign	12a. Grant Funds Requested	\$ 257,840.00
	12b. In-Kind Match Provided	\$ -
	12c. In-Kind Match Required	\$ -

11. Name of the Project: (Brief Descriptive Title) FY 2022 Impaired Driving Enforcement Campaign	12a. Grant Funds Requested	\$ 257,840.00
	12b. In-Kind Match Provided	\$ -
	12c. In-Kind Match Required	\$ -

13. Will other federal support be available for any part of this project? ☐ Yes ☒ No (If yes, identify and explain on Page 3)	14. DUNS Number: 831542035
	15. Sam.gov Registration Expiration Date: 5/12/2021

13. Will other federal support be available for any part of this project? ☐ Yes ☒ No (If yes, identify and explain on Page 3)	14. DUNS Number: 831542035
	15. Sam.gov Registration Expiration Date: 5/12/2021

16. Congressional Districts Served:	One Served (3rd)
--	-------------------------

17. Organization Type (Check one which applies)

☐ State Agency	☐ Public College or University	☐ Private Not-for-Profit Agency
☒ Local Government	☐ Private College or University	☐ Private For-Profit Company
☐ Other Government Entity	☐ Public Not-for-Profit Agency	☐ Private Individual

17. Organization Type (Check one which applies)

☐ State Agency	☐ Public College or University	☐ Private Not-for-Profit Agency
☒ Local Government	☐ Private College or University	☐ Private For-Profit Company
☐ Other Government Entity	☐ Public Not-for-Profit Agency	☐ Private Individual

18. Project Summary: *(Suitable for a news release pertaining to this project)*

The East Central Alabama Highway Safety Office at The City of Opelika is requesting funding for enforcement within the (18) county East Central region of Alabama. This grant will be used for enforcement at the 105 Impaired Driving Hotspots as identified by the CAPS Research and Development Program at the University of Alabama. Agencies will receive funding for enforcement at the above referenced 185 Impaired Driving Hotspot locations. Participating agencies will receive agreements to do checkpoints, line, and/or saturation patrols within their jurisdiction, with special emphasis at the hotspot locations. This grant is for enforcement, which is above and beyond enforcement provided by the agencies in their day-to-day traffic operations. The total enforcement this grant will provide is \$257,840.00 during the fiscal year beginning October 1, 2021 and ending September 30, 2022.

Montgomery, AL 36103-5690

Cover Page

Alabama Department of Economic and Community Affairs
Law Enforcement and Traffic Safety Division
 401 Adams Avenue
 P.O. Box 5690
 Montgomery, AL 36103-5690

Revised 6/05/2014

Cover Page

Application is hereby made for a grant under the program described in item 7 below in the amount and for the purpose set forth in this application

1. Applicant Name City of Opelika Address Post Office Box 390 Opelika, AL 36803-0390 Phone # 334-705-5150 Fax # 334-705-5153 E-Mail	3. Authorizing Official Name Mr. Gary Fuller Title Mayor Address 204 South Seventh Street Post Office Box 390 Opelika, AL 36803-0390 Phone # 334-705-5150 Fax # 334-705-5153 E-Mail Gfuller@opelika-al.gov Signature _____ Date: _____
2. Implementing Agency Name City of Opelika Phone # 334-705-5150	5. Financial Officer Name Cynthia Boyd - Controller Address Post Office Box 390 Opelika, AL 36803-0390 Phone # 334-705-5181 Fax # 334-705-5153 E-Mail CBoyd@opelika-al.gov Signature _____ Date: _____
4. Project Director Name Terry J. Henderson Address 700 Fox Trail Opelika, AL 36801 Phone # 334-705-5455 Fax # E-Mail thenderson@opelika-al.gov Signature _____ Date: _____	7. Program Under Which Application is Made (Include Purpose Areas addressed if applicable) NHTSA Section 405d Funds FAST Act
6. Type of Application ☐ Original ☒ Continuation of Previous Grant Number:	
8. Active membership in any Statewide associations or coalitions?	
9. Project Start Date (Estimated) August 19, 2022	10. Project Ending Date (Estimated) September 5, 2022
11. Name of the Project: (Brief Descriptive Title) FY 2022 Drive Sober Enforcement Campaign	12a. Grant Funds Requested \$ 41,176.00
	12b. In-Kind Match Provided \$ -
	12c. In-Kind Match Required \$ -
13. Will other federal support be available for any part of this project? ☐ Yes ☒ No (If yes, identify and explain on Page 3)	14. DUNS Number: 831542035
15. Sam.gov Registration Expiration Date: 5/12/2021	
16. Congressional Districts Served: One Served (3rd)	
17. Organization Type (Check one which applies) ☐ State Agency ☐ Public College or University ☐ Private Not-for-Profit Agency ☒ Local Government ☐ Private College or University ☐ Private For-Profit Company ☐ Other Government Entity ☐ Public Not-for-Profit Agency ☐ Private Individual	
18. Project Summary: (Suitable for a news release pertaining to this project) The East Central Alabama Highway Safety Office at The City of Opelika is requesting funding for enforcement within the (18) county East Central region of Alabama. This grant will be used for enforcement at determined areas of concern within the East Central region. Agencies will receive agreements to do checkpoints, line, and/or saturation patrols within their jurisdiction, with special emphasis on impaired driving concerns. This grant is for enforcement, which is above and beyond enforcement provided by the agencies in their day-to-day traffic operations. The total overtime enforcement this grant will provide is \$41,176.00 during the blitz period from 8/19/2022 through 9/5/2022.	

Attachment: Exhibit E (083-21 : Five (5) ADECA Grant Applications.)

RESOLUTION NO. 084-21

Proposal Submitted by MetLife for Certain Types of Employee Insurance Coverage.

RESOLUTION NO. _____

**RESOLUTION ACCEPTING PROPOSAL FOR TERM LIFE
AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE
COVERAGE SUBMITTED BY MET LIFE**

WHEREAS, the City of Opelika (the “City”) provides eligible full-time employees and qualified retirees life insurance coverage under its group insurance policy; and

WHEREAS, Met Life has submitted a proposal for basic group term life and accidental death and dismemberment insurance coverage; and

WHEREAS, the rates quoted in said proposal are guaranteed for two (2) years; and

WHEREAS, the City Council desires to accept the proposal submitted by Met Life.

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

1. Effective as of May 1, 2021, the City of Opelika shall purchase basic group term life and accidental death and dismemberment insurance coverage from Met Life for its eligible full-time employees and retirees. For eligible full-time employees, the amount of insurance coverage shall be \$25,000. For qualified retirees, the amount of insurance coverage shall be \$6,000.

2. That the rates (per \$1,000) for basic term life and accident death and dismemberment insurance shall be the following:

Life Rate \$0.167

AD&D Rate \$0.028

Estimated Monthly Premium \$ 1,606

Estimated Annual Premium \$19,274

3. That the Mayor and Human Resource Director are hereby authorized to execute

and deliver all such agreements, documents and papers, and do or cause to be done all such acts and things as they may deem necessary and desirable to carry out the intent and purposes of this Resolution.

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

ADOPTED AND APPROVED this the _____ day of _____, 2021.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

Group Life Marketing

Effective Date 5/1/2021

13.4.a

Met Life - Transition:

		Met Life
Administrative		Option 1
Benefit Amount		Class 1: Flat \$25k Class 2: Retiree Flat \$6,000
Rate Guarantee		2 years (June 1, 2023)
Rates (Per \$1000)	Volume: \$8,236,742	
Life Rate		\$0.167
AD&D Rate		\$0.028
Estimated Monthly Premium		\$1,606
Estimated Annual Premium		\$19,274

Attachment: MetLife Life Insur. Policy Exhibit A (084-21 : Proposal Submitted by MetLife

RESOLUTION NO. 085-21

Demolition - 108 Ray Avenue - Tabled.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 108 RAY AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-3-000-064.000 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 108 Ray Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-3-000-064.000, (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, John A. Harris, Robert Vaughn, Diane Harris Preston, George Harris, Lenell Harris, Donald Harris, Larry Harris, Javis Ramon Harris, Jacqueline Lorrain Harris, Calvin Eugene Crabb II, Tamara Michelle Young, Jeffery Allen Harris and Minnie P. Harris are the record owners 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, John A. Harris and Robert Vaughn are the persons last assessing the subject property for state taxes; and

WHEREAS, East Alabama Medical Center is a lienholder of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to John A. Harris, 1505 Harper Street, Opelika, AL 36801; Robert Vaughn at 943 Waverly Ave, Albertville, AL 35950; Diane Harris Preston, 519 Velma Circle, Auburn, AL 36830; George Harris, 1202 Lowndes Street, Opelika, AL 36801; Lenell Harris, 41 Comanche Drive, Opelika, AL 36804; Donald Harris, 3611 Randall Drive, Lot #7, Opelika, AL 36801; Larry Harris, 108 Dover Street, Opelika, AL 36801; Jarvis Ramon Harris, 2908 East Point Way, Opelika, AL 36801; Jacqueline Lorrain Harris, 1505 Harper Street F, Opelika, AL 36801; Calvin Eugene Crabb II, 297 Lee Road 395, Auburn, AL 36830; Tamara Michelle Young, 607 Rustic Street, Opelika, AL 36801; Jeffery Allen Harris, Harris Funeral Home, 515 S. 6th Street, Opelika, AL 36801, 3309 Tifton Lane, Opelika, AL 36801, PO Box 2206, Opelika, AL 36803; Minnie P. Harris, 215 Vero Court, Opelika, AL 36801; and East Alabama Medical Center, 2000 Pepperell Parkway, 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, April 6, 2021, at 7:00 p.m. in the Courtroom of the Opelika

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 buildings located at 108 Ray Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, April 6, 2021, 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 108 Ray Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 108 Ray Avenue, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-3-000-064.000, 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:

Lots 3A and 3B of Block 238, according to and as shown by Totten's Official

Real Estate Map of Opelika, Alabama, 1930. Said property fronting Ray Street in Opelika, Alabama.

Also being further described as Parcel Number 43-10-03-08-3-000-064.000, 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 owners and lien holders of the property as the information appears on the records of the office of the Tax Assessor and in the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____ 2021.

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

ATTEST:

CITY CLERK

Cc: John A. Harris
1505 Harper Street
Opelika, AL 36801

Robert Gilbert Vaughn
943 Waverly Ave.

Albertville, AL 35950

Diane Harris Preston

519 Velma Circle

Auburn, AL 36830

George Harris

1202 Lowndes Street

Opelika, AL 36801

Lenell Harris

41 Comanche Drive

Opelika, AL 36804

Donald Harris

3611 Randall Drive, Lot #7

Opelika, AL 36801

Larry Harris

108 Dover Street

Opelika, AL 36801

Javis Ramon Harris

2908 East Point Way

Opelika, AL 36804

Jacqueline Lorrain Harris

1505 Harper Street F

Opelika, AL 36801

Calvin Eugene Crabb II

297 Lee Road 395

Auburn, AL 36830

Tamara Michelle Young

607 Rustic Street

Opelika, AL 36801

Jeffery Allen Harris

Harris Funeral Home

515 S. 6th Street

Opelika, AL 36801

Jeffery Allen Harris

3309 Tifton Lane

Opelika, AL 36801

Jeffery Allen Harris

PO Box 2206

Opelika, AL 36803

Minnie P. Harris

215 Vero Court

Opelika, AL 36801

East Alabama Medical Center

Attn: Roben Casey, General Counsel

2000 Pepperell Parkway

Opelika, AL 36801

RESOLUTION NO. 086-21

Special Appropriation to Opelika Main Street for Downtown Plaques and Outdoor Sculpture Exhibition.

RESOLUTION NO. _____

**RESOLUTION APPROVING SPECIAL APPROPRIATION
TO OPELIKA MAIN STREET FOR AN OUTDOOR SCULPTURE EXHIBITION AND
A DOWNTOWN HISTORIC PLAQUE INSTALLATION**

WHEREAS, Opelika Main Street is a 501(c)(3) non-profit organization headquartered in Opelika, Alabama; and

WHEREAS, the mission of Opelika Main Street is to revitalize the downtown area through organization, economic vitality, design and promotion; and

WHEREAS, Opelika Main Street brings various events to downtown Opelika, such as Touch-a-Truck, Christmas in a Railroad Town and outdoor concerts, to promote tourism and community involvement; and

WHEREAS, Opelika Main Street has received an Alabama State Council on the Arts matching grant to fund an outdoor sculpture exhibition which will allow for four (4) large sculptures to be displayed in downtown Opelika; and

WHEREAS, Opelika Main Street is installing approximately ten (10) historic plaques on the exterior of historic buildings in downtown Opelika modeled after a similar program in Rome, Georgia. The plaques will include the original use/name of the building's history. Opelika Main Street's goal is to have plaques installed on all downtown buildings that are on the National Register of Historic Places; and

WHEREAS, Ward 1 Councilman George Allen, President Pro Tem and Ward 2 Councilwoman Erica Norris, Ward 3 Councilman Robert Lofton, City Council President and Ward 4 Councilman Eddie Smith and Ward 5 Councilman Todd Rauch wish to appropriate \$100 each for each project (for a total of \$200 each) from their respective discretionary funds to Opelika Main Street in order to assist with the two projects.

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

1. That the City Council hereby approves a special appropriation in the amount of \$1,000.00 to Opelika Main Street to assist with the outdoor sculpture exhibition and the installation of plaques on downtown historic buildings.

2. That the Mayor and the Controller are hereby authorized to transfer the sum of \$200.00 each from the respective discretionary fund accounts of George Allen, Ward 1, Erica Norris, Ward 2; Robert Lofton, Ward 3; Eddie Smith, Ward 4 and Todd Rauch, Ward 5.

3. That the City Council hereby declares and determines that the expenditure of said funds will serve a public purpose by making cultural artifacts available to the public and by promoting the preservation of historic buildings in the downtown historic district.

4. That the Mayor and the Controller are hereby authorized and directed to make all necessary accounting and budgetary entries to carry into effect the intent of this Resolution.

5. That the City Clerk is hereby authorized to process the necessary paperwork so that a check in the amount of \$1,000.00, payable to Opelika Main Street can be prepared and mailed.

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

ADOPTED AND APPROVED this the _____ day of _____, 2021.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 087-21

Special Appropriation for Opelika High School Annual Project Graduation 2021.**RESOLUTION NO. _____**

WHEREAS, the Opelika City Council and Mayor, Gary Fuller appreciates and fully supports the Opelika School System with an annual appropriation, and

WHEREAS, the Opelika High School has the need for additional funds to assist in funding the annual Project Graduation - 2021, and

WHEREAS, all five City Council members wish to contribute \$200.00 from their discretionary funds.

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 \$ 1,000.00 for the Opelika School System to assist with the expense of providing Project Graduation - 2021.
2. The City Council members wish to provide \$200.00 each from their discretionary funds as detailed below with said funds to be used as explained in No. 1 above:

George Allen	Ward 1	Current year fund	\$ 200.00
Erica Norris	Ward 2	Reserve fund	\$ 200.00
Robert Lofton	Ward 3	Reserve fund	\$ 200.00
Eddie Smith	Ward 4	Reserve fund	\$ 200.00
Todd Rauch	Ward 5	Reserve fund	\$ 200.00

3. The Opelika City Council hereby declares and determines that said expenditure of these public funds will serve a public purpose for the City of Opelika.
4. The Mayor and the Controller is hereby authorized and directed to make a budget adjustment(s) to move a total of \$1,000.00 from the specific funds or accounts as designated in No. 2 above to the appropriate account.
5. The City Clerk is hereby authorized and directed to prepare the appropriate documents so that a check for \$ 1,000.00 payable to the Opelika School System

may be prepared with said funds being designated for Project Graduation - 2021.

ADOPTED and APPROVED this the _____ day of _____, 2021.

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

Attest:

Russell A. Jones
City Clerk

Opelika High School Project Graduation 2021

Plans are now underway for this year's Opelika High School Graduation Celebration. As in past years, the success of Project Graduation is dependent upon the support of parents, friends, and businesses in our community. Each graduating senior will have the opportunity to create memories of a lifetime at an alcohol and drug-free graduation environment. The celebration will include refreshments, games, entertainment, and prizes.

As you can imagine, the costs of this type of event can be tremendous. Through donations and gifts of individuals and corporations like you, we have been successful in preventing the tragic and needless loss of life to an alcohol and drug related accident on graduation night. **Because of this, you have our heartfelt gratitude for your continued support!**

If you wish to make a cash donation, any other contribution, or would like more information, please fill out and mail the attached form to us. We are so thankful to be able to celebrate with the Class of 2021; however, graduation is near, and we need your commitment now to make successful plans accordingly. Join with us in making Project Graduation 2021 the best one ever!

On behalf of the 2021 Senior Class of Opelika High School, we would like to thank you for any assistance that you can give. *"This is only their beginning...towards greatness" ~CH*

Sincerely,



Calandra Harris

Parent of Benét Harris, Senior Class President

Opelika High School Project Graduation 2021

Return Form

Project Graduation 2021 is supported entirely by generous donors like you in our community. Your gift will provide prizes, entertainment, and refreshments for the Graduation Class of 2021. Please help by marking the amount you are donating and return it with your check to the address below. Thank you so much in advance for your support in keeping our children safe. We know that the 2021 Project Graduation will be a great success because of donors like you!

If you have any questions, please feel free to call Calandra Harris at (334) 787-1922 or charris@lcydc.org.

Sincerely,

Calandra Harris

Parent of Benét Harris, Senior Class President

***** ***** ***** ***** ***** ***** *****
 ____\$50 ____\$100 ____\$200 ____\$500 ____\$1000 ____\$ Other

____ Gift Cards _____ Other Item(s)

Name of Business _____

Contact Person _____ Phone # _____

Address _____

City _____ State _____ Zip _____

MAKE CHECKS PAYABLE TO: PROJECT GRADUATION OHS CLASS OF 2021

Mail to: Project Graduation OHS Class of 2021
 c/o Calandra Harris
 1107 Saugahatchee Road
 Opelika, AL 36801

RESOLUTION NO. 088-21

Emergency Purchase - Flygt Pumps at North Industrial Park Lift Station - PW.**RESOLUTION NO.** _____**WHEREAS**, the Flygt Pumps need replacing at North Industrial Park Lift Station and;**WHEREAS**, the pumps are critical to the operation of the North Industrial Park, which serves several industries in the North Industrial Park; and**WHEREAS**, the purchase is deemed to be an emergency by the Purchasing-Revenue Manager; and**WHEREAS**, the pumps were purchased from Jim House & Associates; and**WHEREAS**, the cost of the purchase was \$37,480.00; and**WHEREAS**, the cost of the purchase came from the Sewer Improvement Account;**NOW, THEREFORE, BE IT RESOLVED** by the City of Opelika, Alabama as follows:

1. That the City Council deems the Purchasing-Revenue Manager's actions correct in awarding an emergency purchase order to Jim House & Associates an estimated amount of \$37,480.00.
2. That the Mayor be authorized to issue a change order for unforeseen repairs not to exceed 10% of the estimated costs.
3. That the Controller be authorized to adjust the budget as necessary for these repairs.

APPROVED AND ADOPTED this the _____ day of _____, 2021.

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

ATTEST:

Russell A. Jones

City Clerk



Public Works Department
700 Fox Trail
Opelika, AL 36801
(p) 334-705-5413
(f) 334-705-5452

4/19/2021

Lillie Finley
Purchasing Director

RE: Emergency Repair
North Industrial Park Lift Station

Lillie,

These pumps were damaged with material from a North Park user. These pumps are to replace the two identical pumps at the lift station from Flygt.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hilyer".

Michael J. Hilyer
Director Public Works



Proudly Serving the City of Opelika



Attachment: Color0097 (088-21 : Emergency Purchase - Flygt Pumps at North Industrial Park Lift Station - PW.)

CITY OF OPELIKA
Sole Source Justification

DEPARTMENT Public Works

REQUISITION NUMBER 21003862

NAME OF REQUESTING EMPLOYEE Rachel Stuckey

VENDOR Jim House & Associates, Inc. Vendor 143

PRODUCT/SERVICE Emergency repair at North Industrial Park Lift Station

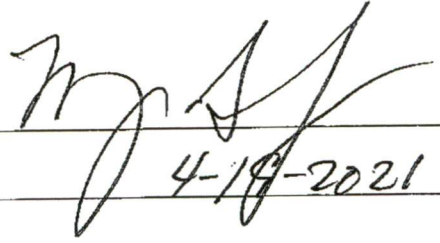
Estimated annual expenditure for the commodity or service \$ 37,480.00

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

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

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

DEPARTMENT HEAD SIGNATURE _____



DEPARTMENT/DIVISION/DATE _____

4-19-2021

PURCHASING DEPARTMENT USE ONLYPURCHASING AGENT APPROVAL
(SIGNATURE/DATE) _____
 . 4/20/2021

DISAPPROVAL/DATE _____

COMMENTS _____

COUNCIL ACTION/DATE _____

ORDINANCE NO. (ID # 4617)

Stormwater Ordinance Revision to Meet New ADEM Requirements - 2nd Reading.

ORDINANCE NO. _____

**ORDINANCE AMENDING ARTICLE IV OF CHAPTER 7 OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS the regulation of stormwater run-off discharge from land development activities in order to control and minimize increases in stormwater run-off rates and volumes, soil erosion, stream channel erosion and non-point source pollution associated with stormwater run-off is in the public interest and will minimize threats to the public health and safety; and

WHEREAS regulation by means of post-construction performance standards and wastewater management will produce development compatible with the natural functions of a particular site or on an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development; and

WHEREAS the City Council finds and determines that it is necessary to amend Article IV of Chapter 7 of the *Code of Ordinances* relating to post-construction stormwater management.

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

Section 1. Amendment to Section 7-102. That Section 7-102 of the *Code of Ordinances* (the “Code”) is hereby amended by adding the following definitions in the appropriate alphabetical order:

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

“Maintenance Agreement” or “Stormwater Maintenance Agreement” shall mean a

legally recorded document that acts as a property deed restriction, and which provides for longer term maintenance of storm water management practices.

“New Development” shall mean a land development project undertaking on a previously undeveloped or unimproved site.

“Owner” shall mean the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

“Person” shall mean, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

“Re-Development” shall mean the expansion, renovation, rebuilding, demolition and construction or other further improvement of any previously improved tract, lot or parcel of land, or combination of contiguous tracts, lots or parcels of land which are in one ownership, or which are owned by one or more parties, are proposed or planned as a valid subdivision, or project. “Previously improved” includes, but is not limited to, the prior placement, construction, and/or demolition of buildings, roadways, sidewalks, parking areas and other areas of concrete, asphalt, gravel, packed gravel or other material on the subject tract(s), lot(s) or parcel(s).

“Site” shall mean the parcel of land being developed, or the portion thereof, on which the land development project is located.

“Stormwater Management Facilities” shall mean constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to pipes, swells, ditches, canals, wetlands, culverts, street gutters, detention basins, floodplain areas, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural and modular pavement.

“Stormwater Management System” shall mean the system of roadside drainage, roadside curbs and gutters, curb inlets, swales, catch basins, manholes, gutters, ditches,

pipes, lakes, ponds, sinkholes, channels, creeks, streams, storm drains, post-construction work practices and similar conveyances and facilities, both natural and manmade, located on the development site which are designated for use collecting, storing or conveying storm water, or through which storm water is collected, treated, stored or conveyed, whether owned by the authority or other person.

“Stormwater Management Plan” or “Plan” shall mean a written, detailed set of documents, narratives and maps containing the proposed design, design calculations, construction specifications, affidavits and reports of the individual and collective water drainage systems and post-construction stormwater practices on a specific, proposed land development subject to this article.

Section 2. Amendment to Section 7-104. That Section 7-104 of the Code shall be amended to read as follows:

Sec. 7-104 Post-construction requirements for new development and re-development

(a) The developer, landowner, or authorized representative shall develop and implement post-construction strategies for new development and redevelopment that include, at a minimum, a combination of structural and/or non-structural BMPs designed to require, to the maximum extent practicable, that the volume and velocity of predevelopment stormwater runoff is not significantly exceeded as determined by the authority. Said combination of post-construction strategies shall be designed to function during a rainfall with intensity up to that of a two (2) year twenty-four (24) hour storm event. This section shall require that responsible maintenance be performed, and the responsibility is assigned to the entity that develops, owns, or manages said grounds and is transferable to the next owner, tenant, or entity or HOA for responsible perpetual care. The developer or landowner is prohibited from removing, relocating or modifying the storm water facilities located on the property without the prior approval from the City. This includes all structures, improvements, vegetation, pipes, channels or other appurtenances built as part of design and function to treat stormwater before it leaves said property. The authority shall be provided a legally enforceable agreement that assigns permanent responsibility for post BMP maintenance of structural or treatment control management practices.

(b) Prior to the issuance of a permit, the developer or landowner shall

prepare and submit to the authority a post-construction stormwater management plan (the “Plan”) showing in general, how post-construction stormwater runoff will be managed on the development site. Post-construction strategies/plan may be incorporated into permittee's BMP plan filed with the authority or in a separate document. Said post-construction strategies/plan shall be reviewed, approved, and updated pursuant to the same requirements as those of the permittee's BMP plan. The preliminary or initial plan shall include strategies for post-construction inspection, operation, and maintenance and shall be incorporated into permittee's pre-project approval, with a statement of inspection/maintenance responsibilities that are transferable to subsequent owners, operators, or HOA who will be responsible for perpetual maintenance.

(c) Permittee's post-construction strategies/plan must show proposed final site conditions and describe how the volume and velocity of stormwater leaving the site will be managed after construction is complete to require, to the maximum extent practicable, that it does not significantly exceed the volume and velocity of pre-construction stormwater runoff.

Before a developer/owner/entity shall give/transfer or legally hand over day-to-day maintenance or operations of roadways, sidewalks common areas, detentions or stormwater device(s), the active performance security and maintenance bond(s) shall cover incomplete items stated above. This stipulation is also enforced in the Opelika Subdivision Regulations. This Performance Security shall be 125% of the actual cost of the remaining items as determined by a certified and/or licensed professional for a term of two years.

(d) Upon completion, permittee shall file with the authority a certified copy of as-built drawings of any permanent post-construction practices implemented at the site. Such filing shall demonstrate, to the maximum extent practicable, that final post-construction site conditions comply with subsection (a). The authority may also require permittee to provide a method of funding to be established or provided to ensure the long-term maintenance of any post-construction BMPs.

(e) Maintenance of all stormwater facilities shall be ensured to the creation of a formal maintenance agreement that must be approved by the authority and recorded in the Lee County Probate Office. The maintenance agreement shall include the following information:

(1) Identification by name or official title. The person(s) for responsible for carrying out the annual inspection and maintenance.

- (2) A statement containing the responsibility for maintenance of the stormwater management system unless assumed by the authority.
- (3) A provision stating that, if portions of the development site are sold or otherwise transferred, legally binding arrangements shall be made to pass responsibility for the operation and maintenance of the stormwater management system to the appropriate successors in title; these arrangements shall designate for each portion of the stormwater management system the person(s) to be permanently responsible for inspection and maintenance.
- (4) A maintenance schedule stating when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management system.
- (5) Plans for annual inspections to ensure proper performance of the stormwater management system between scheduled maintenance activities.
- (6) The agreement shall provide for access to the stormwater management system and the land it serves at reasonable times for **annual** periodic inspection by the authority or authority's designee and for regular or special assessments of property owners to ensure the stormwater management system is maintained in proper working order to meet the authority's stormwater requirements.

If the responsible party named in the recorded maintenance agreement is a homeowner's association or other owner's association, such as a unit owner's association, the responsible party shall submit to the authority a copy of a recorded declaration that provides:

- (1) That the stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system maintenance agreement and annual inspection plan.
- (2) That membership in the association shall be mandatory and automatic for all homeowners or unit owners of the development site and their successors.
- (3) That the association shall have a lien authority to ensure collection of all dues from members.
- (4) That the requirements of the maintenance agreement and plan shall receive the highest priority for expenditures by the association except for any other expenditures that are required by law to have a

higher priority.

(5) That a separate fund shall be maintained by the association for the routine maintenance, reconstruction and repair of the stormwater management system and kept in an account insured by the Federal Deposit Insurance Corporation or another entity acceptable to the authority.

(6) That the routine maintenance, reconstruction and repair fund shall contain at all times the dollar amount reasonably determined from time-to-time by the authority to be adequate to pay for the probable reconstruction and repair cost (but not routine maintenance cost) of the stormwater management system for a three-year period.

(7) That to the extent permitted by law, the association shall not enter into voluntary dissolution unless responsibility for the stormwater management system is transferred to an appropriate successor. The permittee shall require the developer/owner/operator to keep records of post-construction BMP inspections, maintenance activities for a period of five (5) years and make them available to the authority upon request.

Section 3. Amendment to Section 7-104.1. That Article IV of the Code is hereby amended by adding Section 7-104.1, which section shall read as follows:

Sec. 7-104.1 Existing locations and developments.

(a) Requirements for all existing locations and developments. The following requirements shall apply to all locations and developments in which land disturbing activities have occurred subsequent to the enactment of this article.

(1) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP Manual and on a schedule acceptable to the authority.

(2) Cuts and slopes must be properly covered with perennial or permanent vegetation and/or retaining walls constructed.

(3) Drainage ways shall be properly covered in vegetation or secured with rip rap, channel lining, etc., to prevent channel or outfall erosion.

(4) Trash, junk, rubbish, etc., shall be cleared from drainage ways

(5) Stormwater run-off shall be controlled to prevent pollution of local waters. Current control measures may include, but are not limited to the following:

(i) Ponds.

- (a) Detention pond
 - (b) Extended detention pond
 - (c) Wet pond.
 - (d) Alternative or underground storage methods.
- (ii) Constructed wetlands.
- (iii) Infiltration System.
 - (a) Infiltration/percolation trench
 - (b) Infiltration basin.
 - (c) Drainage (recharge) well.
 - (d) Porous pavement.
- (iv) Filtering Systems.
 - (a) Bioretention area/rain garden
 - (b) Catch basin insert/media filter.
 - (c) Sand filter.
 - (d) Filter/absorption bed
 - (e) Filter and buffer strips.
- (v) Open Channel:
 - (a) swales, diversions.

(b) Requirements for existing problem locations. When the authority becomes aware of a problem location, the authority shall, in writing, notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments and the action required to correct those problems. The notice shall also specify reasonable time for compliance.

(c) Inspection of existing facilities. The authority may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this article, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based on complaints or other notice of possible violations; inspection of drainage basins

or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of potential contaminants or pollutants or with discharges of a type which may more likely than the typical discharge to cause violations of the authority's NPDES stormwater permit and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater and material or water drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(d) Correction of problems subject to appeal. Corrective measures imposed by the authority under this section are subject to appeal.

Section 4. Amendment to Section 7-105. That Section 7-105 of the Code shall be amended to read as follows:

Sec. 7-105. - Inspections.

(a) As described in the current Opelika SWMP, all stormwater management facilities must undergo, at a minimum, an annual inspection to document maintenance or repair needs to ensure that post-construction BMP's are functioning as designed. The permittee must carry out all applicable inspection requirements set out in ADEM's applicable regulations and NPDES construction general permit. The permittee shall require the developer/owner/operator to keep records of post-construction BMP inspections, maintenance activities for a period of five (5) years and make them available to the authority upon request.

(b) The authority or its designated agent retains the right to enter property upon which any land disturbing activities are being conducted to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Furthermore, the authority or its designated agent retains the right to enter property upon which any post-construction strategies have been implemented pursuant to the requirements of this article to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint in ascertaining whether practices are maintained. Prior to conducting any of the aforementioned activities, the representative(s) of the authority will notify the permittee or an authorized representative at the site, of their presence and anticipated activities on the site. The authority will conduct any such inspection activities at reasonable times, provided however that if the authority has reasonable cause to believe that discharges from land disturbing activities to the MS4 may cause an imminent threat to human health or the environment, inspection of a site may take place at any time and without notice to the

permittee, or an authorized representative at the site.

Whenever information from a permittee, site owner, and/or an authorized representative at a site is requested by the authority, said parties may identify certain documents, materials, and/or processes that contain trade secret(s), the inspection of which could potentially jeopardize such trade secret. If the authority has no clear and convincing reason to question the proprietary assertion, omission of such materials, documents and/or processes will be noted by the authority. To the extent practicable, the authority will protect all information which is designated as a trade secret by the permittee, site owner or an authorized representative.

(c) The authority may seek appropriate legal remedies from any court with competent jurisdiction over the site for any wrongful refusal by a permittee, site owner, and/or authorized representative to allow the authority to enter and/or continue an inspection on a site. If a court grants a remedy to the authority, the site owner must reimburse the city all costs and expenses incurred in obtaining such a remedy.

Section 5. Amendment to Section 7-106. That Section 7-106 of the Code shall be amended to read as follows:

Sec. 7-106. - Post-Construction Maintenance and Integrity.

- (a) It shall be the responsibility of the owner(s) of land developments to:
 - (1) at all times operate and maintain individual and collective stormwater drainage systems and post-construction stormwater practices located on their land development, whether or not such systems and practices are identified on the property's plat, in proper and functional condition as defined by the approved stormwater management plan.
 - (2) at all times protect said systems and practices from alteration that adversely impacts their function as indicated by the approved stormwater management plan.
 - (3) perform corrective actions when conditions that can or do occur adversely impact the function of said system and practices, whether said actions are undertaken voluntarily by the owner or required by the City Engineer.
 - (4) keep records of maintenance activities for a period of at least five
 - (5) years and make them available to the City Engineer upon request.
 - (5) take all reasonable steps to remove, to the maximum extent practicable, pollutants deposited off-site or in an MS4 conveyance structure.
- (b) Removal of said systems and practices or the alteration in any way that

adversely impacts their approved function and performance standard, without the prior approval of the City Engineer, is expressly prohibited.

(c) The responsibilities stated herein shall continue for the owner(s) of land developments until such time as ownership of the property is transferred upon which these responsibilities are immediately transferred to the subsequent owner.

Section 6. Amendment to Section 7-107. That Section 7-107 of the Code shall be amended to read as follows:

Sec. 7-107. Enforcement, Generally

(a) This article authorizes the following stormwater and non-stormwater discharges: Discharges authorized by, and in compliance with, any separate NPDES permit, discharges from fire-fighting activities; fire hydrant flushing's; waters used to wash vehicles where detergents are not used; water used to control dust; potable water including uncontaminated water line flushing's not associated with hydrostatic testing; routine external building wash down associated with construction that does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and landscape irrigation. Furthermore, the use of non-phosphate soap is required by the authority.

(b) All discharges not explicitly authorized by this article are prohibited. Any discharge to the MS4 made in violation of this article or of any condition of a permit issued pursuant to this article shall be subject to correction and/or abatement in accordance with applicable law.

(c) The state's phase II MS4 NPDES permit allows the authority to rely upon ADEM for the enforcement of certain violations of this article. The authority hereby expresses its intent to rely upon ADEM for enforcement of violations of this article, as allowed [in] the state's phase II MS4 NPDES if and only if the enforcement by the authority becomes futile and a not effective method of resolving a violation of the current ordinances, and thus agrees to promptly notify ADEM upon observing evidence of any known or suspected violations. Furthermore, no enforcement action will be taken by the authority for a violation of the terms of this article if any of the following has occurred:

(1) ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with an enforcement action with respect to such alleged violation.

(2) ADEM has issued an administrative order with respect to the same alleged violation and is proceeding with an enforcement action with respect to such violation; or

(3) ADEM has commenced, and is proceeding with, an enforcement action, or has completed any other type of administrative or civil action, with respect to such alleged violation.

Any determination or resolution made by ADEM with respect to an alleged violation shall be final, and the alleged violation will not be made the subject of any additional enforcement action by the authority for any alleged violations of this article and/or provisions of any permit issued pursuant to this article. However, for violations that have not been appropriately corrected and/or abated pursuant to ADEM's enforcement action, an enforcement action may be pursued by the authority.

(d) Notwithstanding any other provision in this article to the contrary, in the event of an immediate threat to the public health or welfare, the authority may take all appropriate measures to remove or alleviate such threat.

(e) In the event of any accidental discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the permittee of the site shall give notice to the authority and the local emergency management authority in the same manner and within the same time as is required by state regulations for notice to ADEM.

Absent a compelling public interest to the contrary, it shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the business or activity of the site, or any project or facility thereon, to maintain water quality and minimize any adverse impact that the discharge may cause.

(f) Whenever the authority finds that any person is in violation of any provision of this article and fails to take corrective action within the specified time, the authority may proceed with the following enforcement action:

(1) *Stop-work order, revocation of local approvals.* No person shall

construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this policy. In the event that any person holding a permit or approval pursuant to this policy violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the authority may suspend or revoke the said approval.

(2) *Compliance order.* When the authority finds that any person has violated, or continues to violate, this article, it may issue a compliance order to the violator, directing that, within a specified time period, adequate structures and devices be installed, or procedures implemented, and properly operated, or other action be taken, to remedy such violation. Compliance orders may also contain such other requirements as may be reasonably necessary and appropriate to address such violation, including the construction of appropriate structures, installation of devices and self-monitoring and management practices.

(3) *Cease and desist orders.* When the authority finds that any person has violated, or continues to violate, this article or any order issued under this article in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; the authority may issue an order to such person to cease and desist all land disturbance activities immediately, and direct such person in violation of this article to:

- a. Comply with this article forthwith; or
- b. Take such appropriate remedial or preventive action as may be required to address properly a continuing or threatened violation of this article.

Section 7. Amendment to Section 7-108. That Section 7-108 of the Code shall be amended to read as follows:

Sec. 7-108. - Warning Notice.

- (a) When the City Engineer determines that any person has violated or continues to violate any provision of this article or any order issued hereunder, the City Engineer may serve upon that person a written warning notice specifying the particular violation believed to have occurred and requesting that the person immediately investigate the matter and seek a resolution whereby any offending condition will cease. The City Engineer may also include a description of the corrective action(s) he/she deems necessary to resolve the offending condition.
- (b) The notice shall set forth a deadline of (for example thirty (30) days) by which a written response to the warning notice must be received indicating the person's plan for corrective action whether said actions are designated by the City Engineer or determined by the person, and the time by which such plan shall be completed.
- (c) Investigation, corrective actions and other resolutions of the offending condition in response to the warning notice does not relieve the violator or liability for any violations occurring before or after the receipt of the warning notice. (i) Nothing in this section shall limit the authority of the City Engineer to taking any action including notice of violation, emergency action or other enforcement action without first issuing a warning notice.

Section 8. Amendment to Section 7-109. That Section 7-109 of the Code is hereby amended to read as follows:

Sec. 7-109. Notice of Violation.

- (a) Whenever the City Engineer finds a violation of a prohibition or a failure to meet a requirement of this article or any failure to comply with a warning notice, the City Engineer may order compliance by written notice of violation.
- (b) The notice of violation shall contain:
 - (1) The name and address of the alleged violator, property owner, and/or operator.
 - (2) The address of the premises when available, or a description of the building, structure, land, individual and collective stormwater drainage system and/or post-construction stormwater practice upon which the violation is occurring or has occurred.

- (3) A statement specifying the nature of the violation.
- (4) A description of the corrective actions necessary to restore compliance with this article and a deadline for the completion of said actions.
- (5) A statement of the penalty or penalties that shall be assessed against the person to whom the notice is directed.
- (6) A statement that the determination of violation may be appealed to the City Council, by filing a written notice of appeal with the City Engineer within ten (10) business days of service of notice of violation.
- (7) A statement specifying that, should violator fail to restore compliance with this article within the established time schedule, the work will be done by the authority or a contractor and the expense thereof shall be charged to the violator as allowed hereunder and collected as allowed by law. Each act or violation and/or each day upon which a violation shall occur or continue shall constitute a separate offense.

(c) Such notice shall require without limitation:

- (1) The performance of monitoring, analysis and reporting
- (2) Application for permits and payments of associated permit fees and/or the preparation of design plans.
- (3) Vegetative restoration, structure restoration, repair or other combination of individual and collective stormwater drainage systems and post-construction stormwater practices.
- (4) Vegetative stabilization, restoration, repair, enhancement or other improvement of areas that drain to individual and collective stormwater drainage systems and post-construction stormwater practices that are, or may be in the future, adversely impacted by the offending condition.
- (5) The abatement or remediation of stormwater pollution or contamination hazards and restoration of any affected system, practice or affected area.

(6) The design and installation of new individual and collective stormwater drainage systems and post-construction stormwater drainage practices.

(7) That violating discharges, practices or operations shall cease and desist.

(8) The implementation of, or repair of, systems or practices to correct the violation.

(9) Payment of an amount equal to twice any administration and remediation costs borne by the City of Opelika, including cost to administer and execute remedial actions and repair damages that have occurred on public property or on local waterways as a result of said violations.

(d) The failure of any person to comply with any lawful notice to implement corrective actions issued by the City Engineer, which has not been appealed within the time allowed herein, shall be deemed a violation of this article.

Section 9. Amendment of Section 7-110. That Section 7-110 of the Code shall be amended to read as follows:

Sec. 7-110. Variance.

(a) The City Engineer may grant a variance from the requirements of this article if there exists exceptional circumstances applicable to a site such that strict adherence of the provisions of this article will result in unintended consequences. The applicant shall prepare a written request for a variance stating the specific variance sought and the reasons with supporting data, for granting such variance. This request shall include descriptions, drawings, calculations and any other information necessary to evaluate the proposed variance. The City Engineer will review the submitted material and make a written determination to approve or disapprove the application within ten (10) working days after receipt of such a request.

Section 10. Adoption of New Section 7-111. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-111, which said section shall read as follows:

Sec. 7-111. Appeal of Notice of Violations.

All rulings, requirements, decisions or interpretations of the City Engineer shall be final and binding upon all parties thereto unless properly appealed to the City Council. Any person receiving a notice of violation and wishing to appeal the same shall file written notice in the office of the City Clerk within ten (10) days from the date of the notice of violation. Hearing on the appeal to the City Council shall be held within thirty (30) days from the date of the filing of the notice of appeal. The decision of the City Council shall be binding.

Section 11. Adoption of New Section 7-112. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-112, which said section shall read as follows:

Sec. 7-112. Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within fifteen (15) days of an issuance of a determination by the City Council upholding the decision of the City Engineer, then the City Engineer shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authority, the City Engineer or any City-designated contractor to enter upon the premises for the purposes set forth above.

Section 12. Adoption of New Section 7-113. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-113, which said section shall read as follows:

Sec. 7-113. Cost of Abatement of Violation.

Within thirty (30) days of abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If full payment of the cost is not received within fifteen (15) days of the owner's original receipt of notification of the cost due and owing, the cost shall be presented to the City Council for assessment as a lien on the property. The City Council may assess the owner of the facility for the cost of the repair work which shall be a lien on the property.

Section 13. Adoption of New Section 7-114. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-114, which said section shall read as follows:

Sec. 7-114. Emergency Abatement.

(a) The City Engineer is authorized to require immediate abatement of any violation of this article that is reasonably believed to be an immediate threat to the health, safety or well-being of the public.

(b) When the City Engineer finds that any person has violated, or continues to violate, any provision of this article, and that person's violation(s) has (have) caused or contributed to an actual or threatened discharge of stormwater, which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Engineer may issue an order to the violator to immediately cease and desist all such violations and to:

(1) Immediately comply with all ordinance requirements

(2) Take such appropriate actions as may be needed to properly address a continuing and threatened violation

(c) Any person notified of an emergency order directed to it under this section shall immediately take steps to comply and implement corrective actions.

Section 14. Adoption of New Section 7-115. That Article IV of Chapter 7 of the Code is amended to add a new section to be numbered Section 7-115, which section shall read as follows:

Sec. 7-115. Violations and Penalties.

It shall be unlawful for any person to violate any provision of, or fail to comply with, any requirement of this article. Any person that has violated, or continues to violate, this article shall be subject to one or more of the following enforcement actions:

(a) Upon conviction, the violator shall be subject to a fine of not greater than \$500.00 and/or imprisonment for a period of time not to exceed six (6) months

for each violation. Each act of violation and/or each day upon which any violations shall occur or continue to occur shall constitute a separate offense.

(b) All permit fees will be doubled if construction of the stormwater drainage system begins before a permit is issued. Violators shall perform corrective actions at their own expense for construction begun prior to issuance of the permit that does not ultimately conform to the approved stormwater management plan.

(c) Permit holders shall be required to perform corrective actions at their own expense if the City Engineer determines that the stormwater drainage plan does not conform to the record drawing, or is not functioning, or will not function, in proper operating condition during a precipitation event.

(d) Failure to pay permit fees may result in the withholding of a certificate of occupancy for the applicable land development or the withholding of any permit approvals or determinations on the applicable development and/or other land developments permitted in the permit holder's name.

(e) Failure to establish permanent perennial vegetation may result in the withholding of a certificate of occupancy for applicable developments. Escrow or bonds may be considered by the authority.

Section 15. Adoption of New Section 7-116. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-116, which section shall read as follows:

Sec. 7-116. Injunctive Relief and Civil Remedies.

(a) If a person has violated or continues to violate the provisions of this article, the authority may petition the appropriate court for a preliminary and/or permanent injunction restraining the person from activities which would create violations of this article or compelling the person to perform corrective action and/or remediation of any violation.

(b) The authority may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to the public stormwater drainage system or any public properties by any person, including costs incurred for corrective action and remediation, and may seek other equitable relief to enforce compliance with the provisions of this article or force compliance with any lawful orders of the City Engineer.

- (c) Damages sought by the authority shall include any and all costs of such action including attorney's fees, trial expenses, court costs and damages to the public stormwater drainage system or any public properties.

Section 16. Adoption of New Section 7-117. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-117, which section shall read as follows:

Sec. 7-117. Remedies Not Exclusive; Costs Recoverable by The Authority

- (a) Remedies listed in this article are not exclusive of any other remedies available under applicable federal, state or local law and it is within the discretion of the authority to seek cumulative remedies.
- (b) The authority may seek to recover in a civil suit for damages all attorneys' fees, trial expenses, court costs and any and all other costs and losses resulting directly or indirectly from a violation of this article, or any rule, regulation, order or other provision authorized by state law. These costs or losses may include, but are not limited to, sampling and monitoring expenses, ADEM fines, EPA fines, costs associated with lawsuits of the authority by third party(s) and other costs associated with the enforcement of this article or the corrective actions or remediation stemming from violations of this article.

Section 17. Adoption of New Section 7-118. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-118, which said section shall read as follows:

Sec. 7-118. Notices.

Whenever the authority is required or permitted to give notice to any party or deliver a document to any party, such notice or document may be delivered by personal delivery, certified mail (return receipt requested), registered mail (return receipt requested), or a general recognized overnight carrier, to the address of such party which is in the record of the authority or which is otherwise known to the authority.

Section 18. Adoption of New Section 7-119. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-119, which said section shall read as follows:

Sec. 7-119. Liability.

Neither the issuance of a permit pursuant to this article, nor compliance with the provisions of this article, shall relieve any person of the responsibility for damage to any person or property otherwise imposed by law.

Nothing herein shall be construed to require the city or its officials, employees, agents or attorneys to restore or cause the restoration of property damaged by erosion or sedimentation in violation of this article or to otherwise seek or assist others in seeking compensation to private property owners for any such damage caused by a violation of this article. The city and its officials, employees, agents and attorneys shall not be liable for any condition or damages that result from any failure to observe or recognize a hazardous condition, any failure of an approved plan to prevent erosion or sedimentation, or any failure of the city to cause owners and builders to adhere to the terms of this article. Nothing herein shall be construed to expand the liability of the city or its officials, employees, agents or attorneys nor shall it create any additional, further, different or expanded claim or cause of action.

Nothing in this article shall be construed to limit the authority to enforce rules and regulations regarding:

- (1) Charges, limits and restrictions on the discharge of waste into the sanitary sewerage system of the City.
- (2) Health or sanitation ordinances of the city enforced by the county health department; or
- (3) Ordinances governing the sanitation of premises where animals are kept.

This article shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the city. Compliance with this article shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

It shall be unlawful for any person to provide false information to the authority when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any approval granted under this article.

Section 19. Adoption of New Section 7-120. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-120, which said section shall read as follows:

Sec. 7-120. Severability.

The provisions of this article are severable. If any part of this article is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this article.

Section 20. Adoption of New Section 7-121. That Article IV of Chapter 7 of the Code is amended by adding a new section to be numbered Section 7-121, which said section shall read as follows:

Sec. 7-121. Captions.

The captions of this article in the sections are for the purpose of reference only and such captions shall not affect the meaning of any provision of this article.

Section 21. Full Force and Effect. With the exception of the amendments made herein, all other sections and portions of Article IV of Chapter 7 of the Code shall remain in full force and effect, notwithstanding the foregoing amendments.

Section 22. Effective Date. This Ordinance and the sections hereby amended and adopted shall become effective upon its passage and publication as required by law.

Section 23. Publication. The City Clerk of the City of Opelika, Alabama is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2021.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2021.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

**LEE COUNTY
STATE OF ALABAMA**

**POST CONSTRUCTION STORMWATER
MAINTENANCE AGREEMENT AND EASEMENT**

WHEREAS, The Property Owner recognizes that stormwater management facilities (hereinafter referred to as the “facility” or “facilities”) must be maintained for the development called _____, located in the jurisdiction of The City of Opelika, Alabama; and,

WHEREAS, the Property Owner (whether one or more) is the owner of real property described on Exhibit “A” (hereinafter referred to as “the Property”); and,

WHEREAS, The City of Opelika, Alabama, (hereinafter referred to as “The City of Opelika”) requires and the Property Owner, and its administrators, executors, successors, heirs, or assigns, agree that the health, safety, and welfare of the citizens of The City of Opelika require that the facilities be constructed and maintained on the property in accordance with the Post Construction Stormwater Maintenance Ordinance; and,

WHEREAS, the Post Construction Stormwater Management Plan, (hereinafter referred to as “PCSWMP”), requires a condition of permit approval, a maintenance agreement between the City and the Property Owner to ensure the Property Owner will construct and maintain the stormwater facilities identified in the site plan.

NOW, THEREFORE, in consideration of the foregoing premises, the covenants contained herein, and the following terms and conditions, the Property Owner agrees as follows:

1. The facility or facilities shall be constructed by the Property Owner in accordance with the PCSWMP, which has been reviewed and accepted by The City of Opelika or its designee.
2. The Property Owner must develop and provide the “Post-Construction BMP Maintenance Requirements”, attached here to as Exhibit “B”, which have been reviewed and accepted by The City of Opelika or its designee. The BMP Maintenance Requirements shall describe the specific maintenance practices to be performed for the facilities and include a schedule for inspection and implementation of these maintenance practices. The PCSWMP and the BMP Maintenance Requirements shall indicate that the facility or facilities shall be inspected by a professional qualified in stormwater BMP function and maintenance at least annually to ensure that it is operating properly. A written record of inspection results and any maintenance work shall be submitted by the Property Owner to The City of Opelika on an annual basis, and the inspection report kept for a period of 5 years.

3. The Property Owner, its administrators, executors, successors, heirs, or assigns, shall construct and perpetually operate and maintain, at its sole expense, the facilities in strict accordance with the attached BMP Maintenance Requirements accepted by The City of Opelika or its designee.
4. The Property Owner, its administrators, executors, successors, heirs, or assigns hereby grants permission to The City of Opelika, its authorized agents, and employees, to enter upon the property and to inspect the facilities whenever The City of Opelika deems necessary. The City of Opelika shall provide the Property Owner copies of the inspection findings and a directive to commence with the necessary repairs. The City of Opelika will require the Property Owner to provide, within seven (7) calendar days, a written response addressing what actions will be taken to correct any deficiencies and provide a schedule of repairs within a reasonable time frame. Whenever possible, The City of Opelika shall provide notice prior to entry.
5. The Property Owner, its administrators, executors, successors, heirs, or assigns, agree that should it fail to correct any defects in the facility or facilities within a reasonable time frame agreed to in the response by the Property Owner for corrective actions, or shall fail to maintain the structure in accordance with the attached BMP Maintenance Requirements and with the law and applicable executive regulation or, in the event of an emergency as determined by The City of Opelika or its designee in its sole discretion, The City of Opelika or its designee is authorized to enter the property to make all repairs, and to perform all maintenance, construction and reconstruction as The City of Opelika or its designee deems necessary. The City of Opelika or its designee shall have the right to recover from the Property Owner any and all reasonable costs The City of Opelika expends to maintain or repair the facility or facilities or to correct any operational deficiencies subject to the provisions of the immediately preceding sentence relating to negligence or intentional acts of The City of Opelika. Failure to pay The City of Opelika or its designee all of its expended costs, after sixty days written notice, shall constitute a breach of the agreement. The City of Opelika or its designee shall thereafter be entitled to bring an action against the Property Owner to pay or foreclose upon the lien hereby authorized by this agreement, against the property, or both. Interest, collection costs, and reasonable attorney fees shall be added to the recovery to the successful party. The Property Owner shall not obligate The City of Opelika to maintain or repair the facility or facilities, and The City of Opelika shall not be liable to any person for the condition or operation of the facility or facilities. The City is under no obligation to maintain or repair said facilities, and in no respect shall this Agreement impose any such obligation on the City. The Property Owner shall reimburse the City on demand the costs incurred in the maintenance of the facility.
6. The Property Owner, its administrators, executors, successors, heirs, or assigns, hereby indemnify and hold harmless The City of Opelika and its authorized agents and employees for any and all damages, accidents, casualties, occurrences

or claims that may arise or be asserted against The City of Opelika from the construction, presence, existence or maintenance of the facility or facilities by the Property Owner. In the event a claim is asserted against The City of Opelika, its authorized agents or employees, The City of Opelika shall promptly notify the Property Owner and the Property Owner shall defend at its own expense, by an attorney of the choosing of The City of Opelika, any suit based on such claim unless due solely to the negligence of The City of Opelika in which event The City of Opelika shall be required to defend any such suit at its own expense. Notwithstanding the foregoing, if any claims are made against both The City of Opelika and the Property Owner, each will be required to defend any such suit or claim against it at its own expense. Each shall be responsible for payment of any recovery to the extent determined in such suit. If any judgment or claims against The City of Opelika, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith except to the extent of the negligence or intentional act of The City of Opelika.

7. The Property Owner shall not in any way diminish, limit, or restrict the right of The City of Opelika to enforce any of its regulations or ordinances as authorized by law.
8. This Agreement shall be recorded at the Probate Office of Lee County, Alabama, and shall constitute a covenant running with the land and shall be binding on the Property Owner, its administrators, executors, successors, heirs, or assigns, including any homeowners or business association and any other successors in interest.
9. The Property Owner shall not transfer, assign, or modify its responsibilities with respect to this Agreement without the City's written consent.

IN WITNESS WHEREOF, the Property Owner (s) has/have executed this agreement this _____ day of _____, 201__.

By: _____
Its: _____

STATE OF ALABAMA }
COUNTY OF LEE }

I, the undersigned notary public in and for said county in said state, hereby certify that _____ whose name as _____ of _____, a corporation, is signed to the foregoing and who is known to me, acknowledged before me on this day that, being informed of the contents, he/she as such officer and with full authority, executed the same voluntarily for and as the act of said corporation. Given under my hand this _____ day of _____, 201_.

NOTARY PUBLIC

My commission Expires:_____

Exhibit “A”

Insert Real Property Description

Exhibit “B”

Insert BMP Maintenance Requirements