



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
300 Martin Luther King Blvd.
August 17, 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. After the roll call, President Smith then apologized to Ms. Norris for starting the work session early and noted she would have been present for the start of it if he had started at the correct time. President Smith also recognized and welcomed former councilman David Canon for being present.

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

3. Invocation

Mr. Jefferies provided the invocation.

1. Ben Jefferies from the Good Shepherd Anglican 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 08-03-21 council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

1. City's Financial Summary Report for July 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 then announced the 1st Annual 2nd Chance Job and Resource Fair on August 27, 2021 from 9:00 am to 4:00 pm at Southern Union State Community College and encouraged people to attend. Mayor Fuller also stated that the fair is being put on by the Lee County District Attorney, and due to the law regarding expungements changing, the Circuit Clerk and some attorneys will be present to help people through that process, as well as municipal, circuit, and district judges agreeing to reduce court costs and fees for anyone that attends the job fair.

2. July 2021 Monthly Building Report.

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

3. Proclamation for OLLI Day on 08-20-21.

Mayor Fuller invited Scott Bishop and Mike Akins up front. Mayor Fuller then read the proclamation and presented it to them.

4. Recognize Moorehouse Weekend Academy Graduates.

Mayor Fuller invited Dr. Chenavis Evans, Dr. Kenneth Gosha, and Chase Christmas up front. Mayor Fuller then asked Dr. Evans to speak about the Moorehouse Academy Graduates. Dr. Evans started by thanking the city council for letting them come and do the presentation. Dr. Evans then stated the Razor Foundation, in partnership with the Moorehouse College weekend academy for gaming development, that is centered around coding, started in Loachapoka High School first for any young person to learn about coding and participate in the program Moorehouse College has put together. Dr. Evans stated the amount of participants and graduates from that program and it's success leading to asking the Opelika Ambassadors of Change to find and nominate potential students of the program in Opelika. Dr. Evans closed by stating the amount of participants from Opelika in the program and thanked the city council again for letting them present the graduates their certificates. Mayor Fuller then thanked Moorehouse College for the program and called each of the graduates up front, some were not present or had a parent receive on their behalf, and gave them a gift bag and their certificates of completion.

5. Recognize the new 20 Under Forty Class for 2021 - 2022.

Mayor Fuller asked Dr. Jason Bryant, Chair of the 20 Under Forty board, Ali Rauch, President and CEO of the Opelika Chamber of Commerce, and McKenzie Poole, Chamber Programs and Events Coordinator, to come up front. Mayor Fuller then called each member of the 2021-2022 20 Under Forty class up front to be recognized. After all members of the class were recognized, Ali Rauch then thanked Mayor Fuller and the council for hosting them, and also for their support with the new class. Mayor Fuller then congratulated the class and they took a group photo. President Smith then stated he was looking forward to later in the year when the council would have a chance to meet with the class one on one.

8. Citizen Communications

David Canon of 405 Winterburn Avenue spoke first. Mr. Canon, former councilman for Ward 5, stated he was in favor of the rental ordinance and gave examples of how, when he was a city councilman, tenants of rental properties would complain about landlords not responding to requests to fix things in their properties and how he was not able to do anything about it. Mr. Canon then stated if the ordinance does anything, it will give a tenant a way to get something done and get something fixed in a timely manner that should have been fixed just upon asking for it. Mr. Canon closed by asking the city council to pass the ordinance.

Richard Hayley of 1101 Willow Run spoke next. Mr. Hayley stated they have been in communication with most of the city council during the past week and he appreciated all of the feed back. Mr. Hayley then stated he wanted the group that was not there to know the ordinance was tabled last week so that they could come up with a good plan for all citizens, but there is currently a property maintenance code on the record since 2015 that any tenant can call and complain, so there is something already on the books where they have options. Mr. Hayley closed by stating he wants everyone to know the city council members are communicating with them on the ordinance, but he again just wants everyone to know there is something already on the books, it is complaint driven, and enforceable by the city.

Christine Bradshaw of 2305 Anderson Lakes Drive spoke next. Ms. Bradshaw stated she was the community coordinator for the local NAACP chapter and was there about Executive Order 13985. Ms. Bradshaw then stated she hopes the city council will provide some of the money to the impoverished neighborhoods, and work collectively with the council to make a difference in Opelika. Ms. Bradshaw also asked about the 2040 Plan and how she and others

would like to be involved in the decision making process, and is hoping for a town hall meeting or a roundtable discussion about the plan. Ms. Bradshaw closed by asking for everyone to work together and be an impact maker, a bridge builder, and a change agent for the community and make a difference in Opelika together.

Kristin Morrison and Daniel Doster of Auburn spoke next. Ms. Morrison spoke first and let everyone know about the city wide worship night on the lawn of Samford Hall at Auburn University. Ms. Morrison stated the goal is to bring Auburn and Opelika together for a revival and in hopes that it will spread His name. President Smith asked for the date and time. Ms. Morrison stated it would be August 28, 2021 on Samford lawn from 6:30 pm to 9:00 pm. Mr. Doster closed by stating it is an open invite to anyone, there are multiple churches in Opelika that are involved, and they just want everyone to come together as believers. Mr. Jones asked Mr. Doster his last name as it was not stated beforehand.

9. Report of Disbursements
10. Committee Reports
11. General Business

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

1. Request Alcohol License - JC Inc. dba M and M Grocery - Retail Beer and Wine Off Premise License.

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

2. Request from Opelika Main Street for On the Tracks Event on 10-22-21.

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

3. Request from Opelika Main Street for Christmas in a Railroad Town Event on 12-10-21.

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

4. Public Hearing - Amend Zoning Ord & Map: 26,780 SF, 1109 Columbus Parkway.
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 amendment. Bert Boykin of Birmingham, as a representative of the applicant Racetrac Petroleum, spoke to the council about how the rezoning is consistent with the existing zoning map and asked for the council's approval of the rezoning request on behalf of their client. President Smith closed the public hearing.

5. Public Hearing - Vacate Right-Of-Way - North Portion of Unnamed Street in Fox Run Industrial Park.

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 vacation of right-of-way. No one came forward to speak. President Smith closed the public hearing.

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

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

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

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

8. Public Hearing - Weed Abatement Assessment - 120 Chester Ave.

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

9. Public Hearing - Weed Abatement Assessment - 55 N. Uniroyal Rd.

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

10. Public Hearing - Weed Abatement Assessment - 310 Pleasant Dr.

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

11. Public Hearing - Weed Abatement Assessment - 810 Williamson Ave.

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

12. Awarding of Bids

13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 194-21 Emergency Purchase - Substation 7 - OPS.

RESULT: APPROVED [UNANIMOUS]

MOVER: Todd Rauch, Council Member

SECONDER: Robert Lofton, Council Member

AYES: Allen, Norris, Lofton, Smith, Rauch

2. Resolution 195-21 Approve Acceptance of American Rescue Plan Act (ARPA) Funds. Before a motion for approval, Ms. Norris asked for a Point of Information. Ms. Norris then asked if there would be an opportunity for citizens to give input on how they would like for the money to be spent and what that process would be. President Smith answered that the process would involve city administration putting together some recommendations to present to the council, and then the council would meet with them on a two by two basis to have their input as well. Ms. Norris then asked if the council would be able to ask the public to submit how they wish for the money to be spent and then submit that to the administration. President Smith answered yes they could do that. Mr. Gunter then added how federal regulations provide these funds can be budgeted in two manners, one being a project budget, an outline on how all the monies will be spent, or in the annual budget. Mr. Gunter continued by stating whichever way is chosen, the funds are very restricted as to how they can be spent, and the city can hold a public hearing but that is up to the council as to whether they would want to do that or not. President Smith then asked for a motion to approve. Ms. Norris again asked for a Point of Information. Dr. Lofton interrupted by stating they should have a motion before a discussion. Ms. Norris stated she asked President Smith for a Point of Information but if she should wait until after a motion to discuss she would do so. President Smith agreed Ms. Norris should wait until discussion. Mr. Rauch made a motion and Dr. Lofton seconded the motion. President Smith then asked for discussion.

Ms. Norris thanked President Smith then asked him if it was up to the council, or up to him as President of the council, to decide if there is a public hearing to be held. President Smith answered it would be up to him to decide. Ms. Norris thanked him.

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

3. Resolution 196-21 Authorize a Professional Services Agreement with L.P. Campbell Co.

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

4. Resolution 197-21 Employment Contract for Tyler McGill.

During discussion, Ms. Norris asked if this is a first time contract for Mr. McGill. President Smith answered that it is a renewal of his contract. Ms. Norris then asked why is it a contract and not a direct hire employee. President Smith answered that in the interview process by city administration, Mr. McGill expressed a desire to bring in a higher level of swimming to Opelika to be more competitive, and also his contract allows for him to use the facilities and receive a portion of the fees that are collected for that, and in exchange he has put Opelika on the map with their swim team program. Ms. Norris then asked if we were paying him fifty thousand and then he also collects some fees on top of that. President Smith stated that was correct as it is outlined in the contract. Ms. Norris thanked him.

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

5. Resolution 198-21 Vacate Right-Of-Way - North Portion of Unnamed Street in Fox Run Industrial Park.

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

6. Resolution 199-21 Weed Abatement Assessment - 1733 1st Ave.

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

7. Resolution 200-21 Weed Abatement Assessment - 308 Brannon Ave.

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

8. Resolution 201-21 Weed Abatement Assessment - 120 Chester Ave.

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

9. Resolution 202-21 Weed Abatement Assessment - 55 N. Uniroyal Rd.

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

10. Resolution 203-21 Weed Abatement Assessment - 310 Pleasant Dr.

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

11. Resolution 204-21 Weed Abatement Assessment - 810 Williamson Ave.

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

12. Resolution 205-21 Special Appropriation to the Opelika Learning Center for the Positive Behavior Dog Pound Program.

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

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance Adopting a Registration and Inspection Program for Residential Rental Properties - 2nd Reading - TABLED.

President Smith stated he believed it was the desire of the council to leave the item on the table. No motion to remove was given. Item remained on the table.

2. Ordinance 015-21-ORD Authorize the Exchange of Real Property to CJCF, LLC - 2nd Reading.

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

3. Ordinance Amend Zoning Ord & Map: Rezone 27,680 SF, 1109 Columbus Parkway - 2nd Reading.

President Smith asked for a member of the council to introduce the ordinance. Dr. Lofton introduced the ordinance.

4. Ordinance Amend the Personnel Policies and Procedures Manual to Designate Juneteenth a City Paid Holiday - 2nd Reading.

President Smith asked for a member of the council to introduce the ordinance. Ms. Norris introduced the ordinance.

15. Appointments

President Smith presented the appointments.

1. Reappoint Debbie Purves to the Historic Preservation Commission. New Term ends 08-19-2024.

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

2. Reappoint Elaine Burton to the Historic Preservation Commission. New Term ends 08-19-2024.

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

3. Reappoint John Marsh to the Historic Preservation Commission. New Term ends 08-19-2024.

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

16. Adjourn

The City Council meeting minutes of August 17, 2021 are hereby adopted and approved this the 7th day of September, 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 - Optimism, hopefulness and confidence about the future or the successful outcome of something.
President Smith read the character trait of the month and then asked for a motion to adjourn.
2. Motion to Adjourn.

The council meeting ended at 7:53 pm.

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

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**CM MINUTES (ID # 4831)**

Meeting: 08/17/21 07:00 PM

Department: City Clerk

Category: CM Minutes

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4831

Minutes from the 08-03-21 council meeting.

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



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
 300 Martin Luther King Blvd.
August 3, 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 was absent but all City Council members were present.

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

3. Invocation

Reverend Jones provided the invocation.

1. Clifford Jones from Greater Peace Missionary Baptist 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 07-20-21 council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

President Smith mentioned there would be no Mayor's Remarks due to the Mayor having COVID and being quarantined, and wished him well.

8. Citizen Communications

Kurt Hayley of 1101 Willow Run spoke first. Mr. Hayley stated he was opposed to the proposed rental ordinance and listed many reasons including transparency with the process and not being invited to the task force to have input as a local rental property owner and manager.

President Smith then stated for the record there would not be a response from the council during this time as this was not a discussion period, but they are not ignoring the citizens after they speak as it is their time to let the council hear what they have to say only.

Dr. John Stewart of 1100 Willow Run spoke next. Dr. Stewart stated he was opposed to the proposed rental ordinance and listed reasons including more rules and restrictions from government hinder progress and limit freedoms.

Attachment: CM minutes 08-03-21 (4831 : Minutes from the 08-03-21 council meeting.)

Annie Jones of 112 Plum Ave spoke next. Ms. Jones stated she was opposed to the proposed rental ordinance and listed reasons including the landlords not being involved in the process, this being in favor of the tenants only, and asked for the ordinance to be tabled for further discussions.

Haskel Patterson of 305 Etowah Ave spoke next. Mr. Patterson stated he was opposed to the proposed rental ordinance first by asking Dr. Lofton if he owned rental property and President Smith if he lends money to clients that have residential property in the city, and if they do it would be a conflict of interest for them to vote on the ordinance, and it's his opinion they should abstain. Mr. Patterson then listed many different reasons he is personally against the ordinance.

Marrell McNeal of 2500 Willis Ave spoke next. Mr. McNeal stated he was opposed to the proposed rental ordinance and listed reasons including problems with sections of the ordinance itself in listing organizations that do not exist anymore, and giving building inspectors an unhealthy amount of power in determining violations and living conditions.

Cathy Newkirk of 206 Ballard Ave spoke next. Ms. Newkirk stated she was in favor of the proposed rental ordinance and listed reasons including it being on the side of tenants that are being taken advantage of by "slum lords" who do nothing to fix problems, and will give some tenants who are scared to report problems, for fear of retaliation, another outlet to do so.

Chuck Beams of 2013 Evans Drive spoke next. Mr. Beams stated he was in favor of the proposed rental ordinance and his letter he read to the council is attached to the minutes. (See attachment).

Jimmy Hurst of 1108 Blackhawk Drive spoke next. Mr. Hurst stated he was opposed to the proposed rental ordinance and listed reasons including the moratorium on evictions being extended by the President and how the timing of this ordinance could not be worse for landlords and tenants alike.

Joseph Stoyber of 817 N 10th Street spoke next. Mr. Stoyber stated he was opposed to the proposed rental ordinance and listed reasons including being originally from California, and moving to Opelika due to government regulations and overreach causing housing problems there, and this ordinance would be the start of the same things he has seen happen there.

Brad Freeman of 3011 Stillwood Way spoke next. Mr. Freeman stated he was opposed to the proposed rental ordinance and listed reasons including the appeal process of going through the board of appeals, and ultimately the city council "shall" be the final arbitrator without the decision going any further, and how that is not right for any type of progress moving forward.

Sonny Moreman of 264 Carter Street spoke next. Mr. Moreman stated he was opposed to the proposed rental ordinance and listed reasons including being confused on how many inspections are possible and when they occur because the ordinance is not very clear, and also that the ordinance does not apply to Section 8 or public housing.

Susan Bolt of 1401 Fitzgerald Ave spoke next. Ms. Bolt stated she was opposed to the proposed rental ordinance and listed reasons including reading the definition of property rights from the Constitution, according to the Cato Institute, and reminded the council of their duty to the Constitution.

Al Henry of 1302 1st Ave spoke next. Mr. Henry stated he was opposed to the proposed rental ordinance and listed reasons including how he believes the ordinance not applying to Section 8 housing will not solve the problem but will make the problem worse, and only having one building inspector to work the ordinance, the way it is written, is not possible.

Karen Harris of 3211 West Point Pkwy spoke next. Ms. Harris stated she was opposed to the proposed rental ordinance and listed reasons including there being too many holes in the ordinance as it is written, and this will also cause the real estate market to decline because people will start selling their properties because of this.

Sally Phillips of 1102 Willow Run spoke next. Ms. Phillips stated she was in favor of the proposed rental ordinance and listed reasons including figuring up a two dollar a month increase for her as a property owner, and how she would be willing to pay that if it would insure the tenants in Opelika would have safe and secure housing.

Emily Key of 301 Twin Lakes Ave spoke next. Ms. Key stated she was opposed to the rental ordinance and listed reasons including why the city does not just enforce the current ordinance on the books, then also read the definition of optimism, as it is the city's character word of the month, and how this ordinance does not give her optimism.

Buddy Goolsby of 210 Veterans Pkwy spoke next. Mr. Goolsby stated he was opposed to the rental ordinance and listed reasons including the costs involved and added to property owners, and it gives the city too much control over property owners.

Joel Phillips of 1102 Willow Run spoke next. Mr. Phillips stated he was opposed to the rental ordinance and listed reasons including how it will affect the socio-economic part of town, and he would like to see the ordinance tabled and have more cooperation to discuss it moving forward.

Karen Bush of 402 Overlook Dr spoke next. Ms. Bush stated she wanted to speak with the council about the mask mandate approved by the Board of Education, since the council appoints the board members. Ms. Bush stated she is vehemently opposed to the mask mandate, and listed many adverse affects to children including mental health issues, anxiety, depression, etc. due to them being forced to wear masks and social distance in school.

Jordan Benefield of 204 2nd Ave spoke last. Ms. Benefield stated she was opposed to the rental ordinance and listed reasons including how she is a tenant that has been helped out by some of the landlords, that had spoken previously, to be able to afford a place to live in Opelika, and she feels like this ordinance will force people like her to not be able to afford a place to live here.

9. Report of Disbursements

- 10. Committee Reports
- 11. General Business

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

- 1. Request from Opelika First Baptist for Back to School / Fall Kick-Off Event on 08-08-21.

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

- 2. Request from Opelika Main Street for 1st Ave Block Party on 09-18-21 and 12-11-21.

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

- 3. Public Hearing - Project Agreement with Hanwha Cimarron, LLC.

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

- 4. Public Hearing - Weed Abatement Assessment - Columbus Pkwy.

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

- 5. Public Hearing - Weed Abatement Assessment - 723 Pleasant Dr.

Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. An unnamed citizen, who claimed to be the owner of the property, came forward with the assessment letter and invoice and asked if they needed to be there. President Smith asked if she owned the property and if someone else lived there. She answered "yes". Mr. Gunter stated her address has changed but that she did end up with the notice. President Smith asked her if this issue had been resolved. She answered yes, that she had mowed the grass. It was then explained to her by President Smith, Mr. Gunter, and Mr. Jones that she would need to contact the city's Revenue Department, and that the grass had been mowed by the city if she received a letter and invoice. President Smith and Mr. Jones asked her to speak the City Administrator before leaving. President Smith then closed the public hearing.

- 12. Awarding of Bids
- 13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

- 1. Resolution 180-21 Request Refund of Occupational License Fees - Ecological Insulation.

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

- 2. Resolution 181-21 Accept Donation and Accept Proposal from GOVRED Technology, Inc. for Apex Officer Training Simulator - PD.

During discussion, President Smith asked Mr. Jones to prepare and send a thank you letter to the donors for their gift to the city.

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

3. Resolution 182-21 Agreement with Mark Foster Co. for Police and Fire Promotional Testing - HR.

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

4. Resolution 183-21 Approve Project Agreement with Hanwha Cimarron, LLC - ED.
 During discussion, Mr. Rauch thanked the Economic Development team for their hard work on this project and what they do for Opelika.

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

5. Resolution 184-21 Approve Certain Tax Abatements and Exemptions for Hanwha Cimarron, LLC - ED.

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

6. Resolution 185-21 Amend CDBG 2020-2024 Consolidation Plan & PY2019 Action Plan.

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

7. Resolution 186-21 CDBG PY2021 Action Plan.

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

8. Resolution 187-21 Grant Application with ALDOT for Industrial Access Road Grant - ENG.

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

9. Resolution 188-21 Grant Access Easement to Judson H. Salter, Jr., Anna S. Asbury, CJCF, LLC and Hayley Investments, LLC.

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

10. Resolution 189-21 Weed Abatement Assessment - Columbus Pkwy.

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

11. Resolution 190-21 Weed Abatement Assessment - 723 Pleasant Dr.

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

12. Resolution 191-21 Special Appropriation to the Boys & Girls Clubs of Greater Lee County.

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

13. Resolution 192-21 Approve Amendment to Purchase Agreement Amendment with Point Broadband - OPS.

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

14. Resolution 193-21 Approve Amendment to Service Agreement with Icotech, Inc. - OPS.

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 Adopting a Registration and Inspection Program for Residential Rental Properties - 2nd Reading.

RESULT: TABLED [4 TO 1]
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Erica Norris, Robert Lofton, Eddie Smith, Todd Rauch
NAYS: Willie Allen

2. Ordinance Authorize the Exchange of Real Property to CJCF, LLC - 1st 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

16. Adjourn

The City Council meeting minutes of August 3, 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 - Optimism, hopefulness and confidence about the future or the successful outcome of something.
President Smith asked if there was any other business to come before the council. President Smith then stated that they saw a true form of democracy in that there was no plan to table the rental ordinance, and the council is listening to the people that spoke about it, and they will need to continue to give more of their input going forward because the ordinance is not going to just go away. President Smith also stated that the council does not want to be the court, judge, and jury over this, but everyone needs to also realize that the reason they are talking about this ordinance is not because of the landlords not doing what they are supposed to be doing, but because of the tenants telling them they need help. President Smith closed by asking the landlords to get together with the city, and the council, to get the ordinance fixed. Ms. Norris then asked President Smith if she could speak and President Smith answered yes. Ms. Norris began by thanking everyone that showed up to speak, and agreed that there was not enough transparency in the process, but also acknowledged there are issues with unsafe living conditions in Ward 2 that need to be addressed with something like the ordinance. Ms. Norris then stated the city did not give the citizens a voice in the process, and the landlords present that spoke should have been invited to the table. Ms. Norris also stated another thing that city administration and previous councils could have done better is to create more competition with more affordable housing, and how she will have to lay that at the feet of the Mayor again, because she has met with him several times about affordable housing and he has not pledged to move forward with it. Ms. Norris closed by stating there needs to be more diversity, more transparency in the process, with both landlords and tenants, and she would like another opportunity to give them that. Mr. Allen stated he would like to speak before the meeting ended as well. Mr. Allen then stated, if he was not mistaken, this is not the first time this has been brought up, and asked after the first time for people to come forward and give their input, and they didn't do it then, and possibly won't do it now. Mr. Allen also stated they must do something about the problem, with this not being the first time it has been brought up, so they cannot say they don't know. Someone from the audience started to reply to Mr. Allen when President Smith interrupted reminding people it was not up for discussion. Mr. Allen closed by stating "you knew" and then repeated "you knew". President Smith then asked Emily Key to read the character trait of the month. Ms. Key read the character trait of the month and then President Smith asked for a motion to adjourn.
2. Motion to Adjourn.
The council meeting ended at 8:58 pm.

Attachment: CM minutes 08-03-21 (4831 : Minutes from the 08-03-21 council meeting.)

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

Good evening,

I wanted to take a minute and write you all in regards to the Rental Property Ordinance. My wife and I have owned several rental units in Opelika for nearly 15 years. We are committed to offering clean, safe, well-maintained single-family homes to families in Opelika. We've had some great tenants over the years; many of them have moved on and stay connected through social media. It's neat to see them move on with their lives, knowing that we provided them a place to call home along the journey. Kathy and I would have no issues with Mr. Kappelman and his staff inspecting our houses to establish that they are safe and habitable. We support this ordinance and think it is a significant step forward for our City.

First, let me begin by saying the vast majority of landlords in Opelika are following the rules and keep their property in good condition and will welcome this ordinance. They understand that "to whom much is given, much is required," and they will not oppose the small fee and registration required by this new ordinance.

I have read the entire ordinance, and I find this excerpt from the Purpose section to be most impactful, "to correct and prevent housing conditions that adversely affect the safety, general welfare and health of the residents; to preserve the value of land and structures throughout the City of Opelika; to provide certain minimum housing standards necessary to the health and safety of residents; and to enhance the quality of life of residents of the City living in residential rental units." This is precisely what we need!

I'm amazed at the folks that have stood up in opposition to this ordinance. I've seen the yard signs opposing the ordinance. The tagline for their movement is "Save Affordable Housing!" I think it should read "Save a small group of wealthy property owners bottom line!" or "Save unsafe housing!". If those in opposition to this ordinance want to save affordable housing, they would get behind this legislation and push to have unsafe and dilapidated housing cleaned up. They can all pitch in a small amount and help move our City forward. A City that has afforded them a very lucrative rental market that keeps pushing the vacancy rates lower and lower. They can help us get rid of houses without hot water, functioning smoke alarms, and homes where windows are painted or screwed shut. Houses where mold has overtaken the structure because the rain pours in through holes in the roof. Houses where rodents run out due to holes in the floors and walls. Places where raw sewage spills into the yard due to problems that started years ago. Now take a minute and picture those same conditions with a precious seven-year-old second-grader right in the middle of it all. I know it's hard to think about, but we must. These conditions happen right here in the City we call home, and you have a chance tomorrow night to start turning the tide. We can not let a few slumlords throw their perceived weight around and intimidate us. The tenants (Opelika citizens) deserve better.

Some would say this ordinance is an overreach of local government. I disagree. The Attorney General of Alabama approved these regulations, and the goal is to improve the safety and wellbeing of the citizens you serve. I bet these same folks are quick to ask for a home inspection every time they buy a new house. They want their families safe, and they want the issues all fixed before they move in. So what's the difference for those citizens who choose to rent? Do they not also deserve the same type of inspection? The same safeguards? I think they do.

Some would say this is going to drive out the poor. I disagree. This is about making our rental housing options safe, period. This argument is frustrating to me and is manipulation at its finest. This twist of words is a play on emotions. So, they want you to be motivated by fear and not act so that our citizens in the low-income housing sector can continue to live in unsafe and unhealthy conditions. Yeah, that

makes a lot of sense. These landlords are freaking out at the thought of Mr. Kappelman crossing the thresholds into these houses because they know the truth. They know that these houses are awful, and they would all be embarrassed if we placed a picture of these shacks next to a picture of their face in the Sunday edition of the OA News. We must improve these houses or have them replaced. Good affordable, safe housing will always be needed. The keyword is safe. They must be safe before they are affordable. These landlords use a backward model of affordable, then safe, which benefits them, and this needs to change.

Are we also surprised that the Lee County Realtor Association is opposed to the ordinance? Not at all. They want these houses to stay right where they are, and I'll let you read between the lines on that one. I know you understand that the majority voice of this organization comes from our neighbors to the west, in a town that requires landlords to have business licenses and pay fees. The slumlords know this, and they take advantage of our lack of rules, rules that can change tomorrow night.

In closing, I would encourage you all to be courageous and to do the right thing. Think about the citizens you serve, both landlords and tenants. Would the simple periodic inspection of rental houses not be the right thing for the common good of our City? Inspections that will keep living conditions safe for all regardless of social-economic status. I would also encourage you to be Opelika-focused and vision-oriented. Don't let the loud voice of a few landlords cloud that vision. Don't let their pocketbook motives derail us when we have a chance to move this great City forward.

Remember our mission, "The purpose of the City of Opelika is to improve the quality of life of all the citizens of Opelika, through the improvements of community services..."

Thank you for allowing me to share my thoughts, and thank you for your service to Opelika,

Chuck Beams

Executive Director

Pharmacy | Business Development | Government Relations

chuck.beams@eamc.org

W: (334) 528-3473

C: (334) 319-3473

East Alabama
Health 

**City Council**204 South 7Th Street
Opelika, AL**SCHEDULED**Meeting: 08/17/21 07:00 PM
Department: City Clerk
Category: Financial Statements
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:**MAYOR'S REMARKS (ID # 4811)**

DOC ID: 4811

City's Financial Summary Report for July 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 then announced the 1st Annual 2nd Chance Job and Resource Fair on August 27, 2021 from 9:00 am to 4:00 pm at Southern Union State Community College and encouraged people to attend. Mayor Fuller also stated that the fair is being put on by the Lee County District Attorney, and due to the law regarding expungements changing, the Circuit Clerk and some attorneys will be present to help people through that process, as well as municipal, circuit, and district judges agreeing to reduce court costs and fees for anyone that attends the job fair.

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

	Governmental Funds				Garden Hills Cemetery Permanent Fund	Proprietary Funds		General Capital Assets	General Long Term Debt	Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds		Internal Service Funds	Enterprise Funds			
ASSETS										
Cash	\$ 47,473,077	\$ 14,814,549	\$ 36,959	\$ 1,487,660	\$ -	\$ 5,777,224	\$ 49,043,489	\$ -	\$ -	\$ 118,632,958
Certificates of deposit	20,000,000	5,000,000	-	-	-	-	5,000,000	-	-	30,000,000
Receivables:										
Accounts and unbilled service	-	-	-	180,037	-	19	4,650,103	-	-	4,830,159
Taxes	8,632,330	8,661,857	-	-	-	-	-	-	-	17,294,187
Licenses and fees	3,033,562	-	-	-	-	-	-	-	-	3,033,562
Fines and forfeitures	-	-	-	-	-	-	-	-	-	-
Assessments	210,645	-	-	-	-	-	-	-	-	210,645
Interest	(74,608)	(3,991)	-	-	2,610	-	(558)	-	-	(76,547)
Other	549,913	550,000	-	-	-	(803)	-	-	-	1,099,110
Due from other funds	34,989	-	-	-	1,125	-	8,725,034	-	-	8,761,148
Due from other governments	2,793,745	981,352	-	-	-	-	824,558	-	-	4,599,655
Inventories of supplies, at cost	152,877	-	-	-	-	-	1,151,839	-	-	1,304,716
Prepaid expenses	301,567	-	-	-	-	-	-	-	-	301,567
Investments	-	22,930	-	-	1,377,973	-	-	-	-	1,400,903
Investments with fiscal agent	-	-	1,004,375	-	-	-	799,537	-	-	1,803,912
Capital assets:										
Land	-	-	-	-	-	-	2,462,062	10,368,121	-	12,830,183
Buildings	-	-	-	-	-	-	13,666,181	65,206,460	-	78,872,641
Equipment	-	-	-	-	-	-	12,018,119	24,927,723	-	36,945,842
Utility systems	-	-	-	-	-	-	120,445,321	-	-	120,445,321
Infrastructure	-	-	-	-	-	-	-	127,670,983	-	127,670,983
Construction in progress	-	-	-	-	-	-	714,581	15,709,271	-	16,423,852
Total capital assets	-	-	-	-	-	-	149,306,264	243,882,558	-	393,188,822
Less: accumulated depreciation	-	-	-	-	-	-	(75,721,173)	(71,694,780)	-	(147,415,953)
Capital assets, net	-	-	-	-	-	-	73,585,092	172,187,778	-	245,772,869
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	83,108,097	30,095,742	1,041,334	1,667,697	1,381,708	5,795,669	143,781,525	172,187,778	84,487,888	523,547,438
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	-	-	-	-	-	-	2,229,098	-	-	2,229,098
Total deferred outflows of resources	-	-	-	-	-	-	4,288,995	-	-	4,288,995

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

	Governmental Funds				Garden Hills Cemetery Permanent Fund	Proprietary Funds		General Capital Assets	General Long Term Debt	Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds		Internal Service Funds	Enterprise Funds			
LIABILITIES										
Accounts payable	475,900	-	-	0	-	-	8,356,912	-	-	8,832,812
Interest payable	-	-	-	-	-	-	414,718	-	-	414,718
Accrued payroll and benefits, due within one year	145,042	-	-	-	-	-	195,723	-	-	340,765
Due to other funds	1,125	34,990	-	-	-	-	8,725,034	-	-	8,761,149
Due to other governments	32,749	96,941	-	-	-	-	-	-	-	129,690
Claims and judgements, due within one year	-	-	-	-	-	190,938	-	-	-	190,938
Bonds payable due within one year	-	-	-	-	-	-	2,015,000	-	-	2,015,000
Claims and judgements, due in more than one year	-	-	-	-	-	155,934	-	-	-	155,934
Bonds payable, due in more than one year	-	-	-	-	-	-	24,948,790	-	84,487,888	109,436,678
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	-	-	-	-	-	-	3,145,005	-	-	3,145,005
Total liabilities	654,816	131,931	-	-	-	346,872	57,710,675	-	84,487,888	143,332,182
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	7,864,618	9,885,474	-	-	-	353,325	80,555	-	-	18,183,972
Total deferred inflows of resources	7,864,618	9,885,474	-	-	-	353,325	127,141	-	-	18,230,558
FUND BALANCES										
Nonspendable	152,877	69,045	-	-	1,347,683	-	-	-	-	1,569,605
Restricted	130,710	5,615,608	1,041,334	1,666,757	-	2,758,604	799,537	-	-	12,012,550
Committed	25,748	-	-	-	-	-	-	-	-	25,748
Assigned	17,876,768	13,723,733	-	-	-	820,869	-	-	-	32,421,370
Unassigned	40,217,683	(215,076)	-	-	34,025	1,502,988	-	-	-	41,539,620
Invested in capital assets, net of related debt	-	-	-	-	-	-	48,850,400	172,187,778	-	221,038,178
Unrestricted	-	-	-	-	-	-	37,165,328	-	-	37,165,328
Encumbrances	16,184,878	885,027	0	940	0	13,010	3,417,439	-	-	20,501,294
Total fund balances	\$ 74,588,663	\$ 20,078,337	\$ 1,041,334	\$ 1,667,697	\$ 1,381,708	\$ 5,095,472	\$ 90,232,704	\$ 172,187,778	\$ -	\$ 366,273,693

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

	Governmental Funds					Garden Hills Cemetery Permanent Fund	Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds			
REVENUES:							
Taxes	\$ 40,738,018	\$ 8,973,339	\$ -	\$ -	\$ -	\$ 49,711,357	
Special assessments			-	-	-	-	
Licenses and permits	18,247,403	341,453	-	-	-	18,588,856	
Intergovernmental	1,200,184	1,037,791	-	97,373	-	2,335,348	
Charges for services	1,637,616	-	-	-	-	1,637,616	
Fines and forfeits	365,274	-	-	-	-	365,274	
Grants	13,066	-	-	-	-	13,066	
Contributions	78,824	-	-	-	-	78,824	
Investment income	122,675	23,663	54	91	21,812	168,295	
Miscellaneous	747,788	-	-	-	-	747,788	
Total revenues	63,150,847	10,376,246	54	97,464	21,812	73,646,423	
EXPENDITURES:							
General government	6,872,058	404,417	-	17,842	-	7,294,317	
Public safety	14,873,276	569,555	-	-	-	15,442,831	
Public works	4,784,322	984	-	-	6,858	4,792,164	
Health	295,578	-	-	-	-	295,578	
Education	2,776,833	7,450,000	-	-	-	10,226,833	
Welfare	144,167	-	-	-	-	144,167	
Culture and recreation	5,107,582	-	-	-	-	5,107,582	
Economic development	995,498	36,374	-	-	-	1,031,872	
Capital outlay	15,982,184	1,265,292	-	-	-	17,247,476	
Debt service:							
Principal retirement	-	-	3,710,750	-	-	3,710,750	
Interest and fees	-	-	4,066,523	-	-	4,066,523	
Total expenditures	51,831,498	9,726,622	7,777,273	17,842	6,858	69,360,093	
Excess of revenues over/(under) c	11,319,349	649,624	(7,777,219)	79,622	14,954	4,286,330	
Other financing sources/(uses):							
Proceeds from debt issuance	-	-	-	-	-	-	
Proceeds used to refund bonds	-	-	1,810,150	-	-	1,810,150	
Sale of capital assets	99,856	-	-	-	-	99,856	
Transfers from other funds	4,358,311	3,767,491	6,076,762	-	30,785	14,233,349	
Transfers to other funds	(7,376,318)	(4,302,581)	-	-	(11,712)	(11,690,611)	
Total other financing sources/(use)	(2,918,151)	(535,090)	7,886,912	-	19,073	4,452,744	
Net change in fund balances	8,401,198	114,534	109,693	79,622	34,027	8,739,075	
Fund balances, beginning of the y	66,187,466	19,963,802	931,640	1,588,076	1,347,684	90,018,668	
Fund balances, end of period	\$ 74,588,664	\$ 20,078,336	\$ 1,041,334	\$ 1,667,698	\$ 1,381,711	\$ 98,757,743	

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position (Interim Report)
Proprietary and Fiduciary Funds
July 31, 2021 Preliminary

	Electric FYTD	Telecom FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD
ASSETS						
Current assets:						
Cash	\$ 33,757,242	\$ 134,895	\$ 11,450,360	\$ 3,700,992	\$ 3,626,901	\$ 2,150,323
Certificates of deposit	5,000,000	-	-	-	-	-
Receivables and prepaid expenses	3,964,898	-	380,771	303,876	-	(784)
Due from other funds and governments	8,725,034	-	807,254	17,304	-	-
Inventory	1,151,839	-	-	-	-	-
Total current assets	52,599,013	134,895	12,638,385	4,022,172	3,626,901	2,149,539
Restricted assets:						
Cash and investments with fiscal agent	798,411	-	1,126	-	-	-
Total restricted assets	798,411	-	1,126	-	-	-
Net capital assets	42,742,282	-	28,777,360	2,065,449	-	-
Other assets:						
Deposits	-	-	2,431	-	19,229	-
Total other assets	-	-	2,431	-	19,229	-
Total assets	96,139,706	134,895	41,419,302	6,087,621	3,646,130	2,149,539
DEFERRED OUTFLOWS OF RESOURCES						
Retirement contributions	1,037,489	-	-	351,580	-	-
Diff. on proj. OPEB earnings	489,543	-	-	181,285	-	-
Bond refunding costs	2,186,927	-	42,172	-	-	-
Total deferred outflows of resources	3,713,959	-	42,172	532,865	-	-
Total assets and deferred outflows of resources	99,853,666	134,895	41,461,473	6,620,486	3,646,130	2,149,539
LIABILITIES						
Current liabilities:						
Accounts and other payables	8,870,757	150	9,051	87,395	42,038	148,900
Due to electric fund	-	8,725,034	-	-	-	-
Due to other funds	-	-	-	-	-	-
Bonds payable within one year	1,410,000	-	605,000	-	-	-
Unearned revenue	63,256	-	-	17,304	-	353,325
Total current liabilities	10,344,013	8,725,184	614,051	104,699	42,038	502,225
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	-	633,790	-	-	-
Net pension liability	6,133,569	-	-	2,087,122	-	-
Customer deposits held	2,977,215	-	-	167,790	-	-
Total noncurrent liabilities	34,673,177	-	633,790	2,696,321	155,934	-
Total liabilities	45,017,190	8,725,184	1,247,841	2,801,021	197,972	502,225
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	45,036,196	8,725,184	1,247,841	2,828,600	197,972	502,225
NET POSITION						
Invested in capital assets, net of related debt	19,204,209	-	27,580,742	2,065,450	-	-
Restricted	798,411	-	1,126	-	3,448,158	-
Unrestricted	33,394,062	(8,590,289)	10,937,068	1,424,479	-	1,634,304
Encumbrances	1,420,788	0	1,694,696	301,955	0	13,010
Total net position	\$ 54,817,470	\$ (8,590,289)	\$ 40,213,632	\$ 3,791,886	\$ 3,448,158	\$ 1,647,314
Total liabilities, deferred inflows, and net position	99,853,666	134,895	41,461,473	6,620,486	3,646,130	2,149,539

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position
Proprietary and Fiduciary Funds
FYTD July 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	\$ 34,122,455	\$ 104,306	\$ 4,423,644	\$ 3,138,316	\$ 383,983	\$ 3,615,168
Operating Expenses						
Purchases	22,143,435	-	-	440,152	-	-
Depreciation	2,455,090	-	924,199	243,643	-	-
Personnel services	3,060,593	6	-	1,062,815	-	-
Other	2,346,946	-	1,643,271	634,808	168,167	2,789,216
Total operating expenses	30,006,064	6	2,567,470	2,381,420	168,167	2,789,216
Operating income/(loss)	4,116,391	104,300	1,856,174	756,896	215,816	825,952
Nonoperating Revenues/(Expenses)						
Gain/(Loss) on sale of capital assets	20,100	-	558	38,764	-	-
Fiber optic line leases	19,615	-	-	-	-	-
Investment income	240,226	6	94	3,723	3,813	66
Grant income	-	-	-	-	-	-
Pole rental	133,333	-	-	-	-	-
Miscellaneous revenues	673,313	-	(51)	23,333	-	-
Interest expense and charges	(974,352)	(188,229)	(41,308)	-	-	-
Total nonoperating revenues/(expenses)	112,235	(188,223)	(40,707)	65,820	3,813	66
Other Revenues and Transfers In/(Out):						
Capital contributions	759,226	-	402,805	-	-	-
Transfers from other funds	-	-	-	850	-	-
Transfers to other funds	(2,500,000)	-	-	(850)	-	-
Total other revenues/(expenses)	(1,740,774)	-	402,805	-	-	-
Net Income/(loss)	2,487,850	(83,923)	2,218,272	822,715	219,629	826,015
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	54,817,467	(8,590,289)	40,213,636	3,791,887	3,448,157	1,647,313
Encumbrances	1,420,788	0	1,694,696	301,955	-	13,010
Net position, end of period	\$ 53,396,679	\$ (8,590,289)	\$ 38,518,940	\$ 3,489,932	\$ 3,448,157	\$ 1,634,303
Additional Information:						
Cash position at September 30, 2021	\$ 33,757,242	\$ 134,895	\$ 11,450,360	\$ 3,700,992	\$ 3,626,901	\$ 2,150,323
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	\$ 5,053,552	\$ 104,306	\$ 11,423,557	\$ 401,715	\$ 213,992	\$ 689,924

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)

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

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
Revenues:						
Taxes	\$ 33,935,004	\$ 40,738,018	\$ 6,803,014	\$ 31,970,514	\$ 40,738,018	\$ 8,767,504
Licenses and permits	16,820,725	18,247,403	1,426,678	15,110,500	18,247,403	3,136,903
Intergovernmental	400,180	1,200,184	800,004	649,311	1,200,184	550,873
Charges for services	1,373,818	1,637,616	263,798	1,674,449	1,637,616	(36,833)
Fines and forfeits	250,675	365,274	114,599	361,667	365,274	3,607
Grants	33,393	13,066	(20,327)	-	13,066	13,066
Contributions	426,066	78,824	(347,242)	68,083	78,824	10,741
Investment income	479,735	122,675	(357,060)	250,000	122,675	(127,325)
Miscellaneous	394,884	747,788	352,904	274,394	747,788	473,394
Total revenues	54,114,480	63,150,847	9,036,368	50,358,916	63,150,847	12,791,931
Expenditures:						
General government	6,049,555	6,872,058	822,503	8,280,518	6,872,058	\$ (1,408,460)
Public safety	14,086,162	14,873,276	787,114	16,578,746	14,873,276	(1,705,470)
Public works	4,563,035	4,784,322	221,287	6,151,462	4,784,322	(1,367,140)
Culture and recreation	4,865,612	5,107,582	241,970	5,964,666	5,107,582	(857,084)
Economic development	915,261	995,498	80,237	1,525,284	995,498	(529,786)
Health	308,668	295,578	(13,090)	279,700	295,578	15,878
Education	2,759,833	2,776,833	17,000	2,776,667	2,776,833	166
Welfare	97,109	144,167	47,058	130,556	144,167	13,611
Capital outlay	9,897,527	15,982,184	6,084,657	27,749,184	15,982,184	(11,767,000)
Debt service	-	-	-	581,743	-	(581,743)
Total expenditures	43,542,762	51,831,498	8,288,716	70,018,526	51,831,498	(18,187,024)
Other financing sources/(uses)						
Sale of capital assets	18,387	99,856	81,469	41,075	99,856	58,781
Transfers in	2,520,647	4,358,311	1,837,664	7,393,415	4,358,311	(3,035,104)
Transfer out	(8,527,600)	(7,376,318)	1,151,282	(11,407,823)	(7,376,318)	4,031,505
Total other financing sources/(uses)	(5,988,566)	(2,918,151)	3,070,415	(3,973,333)	(2,918,151)	1,055,182
Net change in fund balance	4,583,152	8,401,198	3,818,046	(23,632,943)	8,401,198	32,034,141
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	\$ 67,980,780	\$ 74,588,664	\$ 6,607,884	\$ 39,764,685	\$ 74,588,664	\$ 34,823,979
Less:						
Nonspendable	137,406	152,877	15,471	-	152,877	
Restricted	213,179	130,710	(82,469)	-	130,710	
Committed	34,832	25,748	(9,084)	-	25,748	
Assigned	19,771,162	17,876,768	(1,894,394)	-	17,876,768	
Encumbrances	14,859,549	16,184,878	1,325,329	-	16,184,878	
	35,016,128	34,370,981	(645,147)	-	34,370,981	-
Unassigned fund balance	32,964,652	40,217,683	7,253,031	39,764,685	40,217,683	34,823,979
20% budgeted revenues	10,071,783	10,071,783		10,071,783	10,071,783	
Available unassigned fund balance	\$ 22,892,869	\$ 30,145,900		\$ 22,892,869	\$ 30,145,900	

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)

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

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
Taxes:						
Sales	\$ 28,286,031	\$ 34,686,017	\$ 6,399,986	27,250,000	\$ 34,686,017	\$ 7,436,017
Property:						
Property	4,347,484	4,744,033	396,549	3,416,667	4,744,033	1,327,366
Payments in lieu of taxes	18,350	16,132	(2,218)	4,764	16,132	11,368
Total property taxes	4,365,834	4,760,165	394,331	3,421,431	4,760,165	1,338,734
Other						
Gasoline	645,797	613,590	(32,207)	683,333	613,590	(69,743)
Cigarette	61,832	56,496	(5,336)	50,750	56,496	5,746
Wine and liquor	25,962	27,350	1,388	23,333	27,350	4,017
Rental	549,549	594,401	44,852	541,667	594,401	52,734
Total other taxes	1,283,140	1,291,837	8,697	1,299,083	1,291,837	(7,246)
Total taxes	33,935,005	40,738,019	6,803,014	31,970,514	40,738,019	8,767,505
Licenses and permits:						
Occupational license	11,530,090	12,479,007	948,917	10,500,000	12,479,007	1,979,007
Business:						
General	3,009,516	3,050,495	40,979	2,500,000	3,050,495	550,495
Lodging	630,611	705,691	75,080	770,833	705,691	(65,142)
Franchise fee	388,158	418,026	29,868	429,167	418,026	(11,141)
Miscellaneous	387,077	272,305	(114,772)	216,667	272,305	55,638
Total business	4,415,362	4,446,517	31,155	3,916,667	4,446,517	529,850
Telecommunications permits and	2,000	6,500	4,500	18,333	6,500	(11,833)
Permits and inspections	859,733	1,298,668	438,935	666,667	1,298,668	632,001
Other	13,540	16,710	3,170	8,833	16,710	7,877
Total licenses and permits	16,820,725	18,247,402	1,426,677	15,110,500	18,247,402	3,136,902
Intergovernmental:						
Shared county motor vehicle	99,854	106,104	6,250	113,333	106,104	(7,229)
Shared state:						
Bank excise tax	98,912	777,094	678,182	165,833	777,094	611,261
Business privilege tax	-	75,657	75,657	61,667	75,657	13,990
Liquor tax profits	123,824	161,222	37,398	120,625	161,222	40,597
State asset forfeiture	12,659	32,107	19,448	6,173	32,107	25,934
Total shared state	235,395	1,046,080	810,685	354,298	1,046,080	691,782
Shared federal asset forfeiture	10,140	-	(10,140)	79,459	-	(79,459)
Other	54,791	48,000	(6,791)	102,221	48,000	(54,221)
Total intergovernmental	400,180	1,200,184	800,004	649,311	1,200,184	550,873
Charges for services:						
General government - other	21,129	22,007	878	20,000	22,007	2,007
Public Safety:						
Fire training/transport	4,261	8,933	4,672	3,333	8,933	5,600
City schools	150,000	150,000	-	125,000	150,000	25,000
Auburn University	4,489	-	(4,489)	-	-	-
EAMC	187,164	187,500	336	133,333	187,500	54,167
Other	2,212	4,893	2,681	283	4,893	4,610
Health - Graves and monuments	126,510	134,275	7,765	125,833	134,275	8,442
Public Works - Paving and plan	87,235	84,179	(3,056)	25,000	84,179	59,179
Culture and Rec - Entry and con	790,817	1,045,829	255,012	1,241,667	1,045,829	(195,838)
Total charges for services	1,373,817	1,637,616	263,799	1,674,449	1,637,616	(36,833)
Fines and forfeits:						
Municipal Court	217,883	320,019	102,136	325,833	320,019	(5,814)
Other	32,792	45,255	12,463	35,834	45,255	9,421
Total fines and forfeits	250,675	365,274	114,599	361,667	365,274	3,607
Grant income	33,393	13,066	(20,327)	-	13,066	13,066
Contributions: Mobile Clinic	67,391	0	(67,391)	0	-	-
Contributions: Other	358,675	78,824	(279,851)	68,083	78,824	10,741
Investment income	479,735	122,675	(357,060)	250,000	122,675	(127,325)
Miscellaneous	394,884	747,788	352,904	274,394	747,788	473,394
Total revenues	54,114,480	63,150,847	9,036,368	50,358,916	63,150,847	12,791,931
Other financing sources						
Operating transfers from Electric	2,500,000	2,500,000	-	2,500,000	2,500,000	-
Other transfers	20,647	1,858,311	1,837,664	4,893,415	1,858,311	(3,035,104)
Sale of capital assets	18,387	99,856	81,469	41,075	99,856	58,781
Total other financing sou	2,539,034	4,458,167	1,919,133	7,434,490	4,458,167	(2,976,323)
Total revenue and other fi	\$ 56,653,514	\$ 67,609,014	\$ 10,955,500	\$ 57,793,405	\$ 67,609,014	\$ 9,815,609

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)

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

	YTD Actual			Budget to Actual		
	FY 2020	FY 2021	Variance	2021 Budget	2021 Actual	Variance
General government:						
Legislative	\$ 305,457	\$ 278,839	\$ (26,618)	\$ 334,098	\$ 278,839	\$ (55,259)
Executive	206,903	231,132	24,229	509,033	231,132	(277,901)
Legal	382,772	300,495	(82,277)	347,256	300,495	(46,761)
Administration	455,636	597,036	141,400	718,265	597,036	(121,229)
Accounting	441,621	446,892	5,271	497,110	446,892	(50,218)
Human resources	360,482	299,950	(60,532)	473,098	299,950	(173,148)
Information technology	1,901,386	2,535,467	634,081	2,821,702	2,535,467	(286,235)
Revenue	336,639	373,832	37,193	451,099	373,832	(77,267)
Municipal court	295,777	273,758	(22,019)	308,388	273,758	(34,630)
Purchasing	247,134	245,796	(1,338)	262,927	245,796	(17,131)
Community development	176,944	239,826	62,882	250,547	239,826	(10,721)
Planning	392,113	525,106	132,993	726,539	525,106	(201,433)
Other - nondepartmental	546,693	523,925	(22,768)	580,456	523,925	(56,531)
Total general governme	6,049,557	6,872,058	822,501	8,280,518	6,872,054	(1,408,464)
Public safety:						
Police	8,697,222	9,308,253	611,031	10,836,979	9,308,253	(1,528,726)
Probation	95,644	118,543	22,899	132,830	118,543	(14,287)
Fire	4,978,314	5,025,003	46,689	5,257,707	5,025,003	(232,704)
Other - nondepartmental	314,982	421,476	106,494	351,230	421,476	70,246
Total public safety	14,086,162	14,873,275	787,113	16,578,746	14,873,275	(1,705,471)
Public works:						
Streets	1,158,675	1,028,284	(130,391)	1,004,490	1,028,284	23,794
Engineering	670,104	738,756	68,652	959,416	738,756	(220,660)
Administration	423,778	496,454	72,676	522,517	496,454	(26,063)
Cemetery	194,926	192,098	(2,828)	233,875	192,098	(41,777)
Auto shop	451,411	583,347	131,936	1,493,263	583,347	(909,916)
Building maintenance	475,944	459,817	(16,127)	522,662	459,817	(62,845)
Inspection	383,179	416,450	33,271	517,716	416,450	(101,266)
Grounds maintenance	805,017	869,115	64,098	897,523	869,115	(28,408)
Total public works	4,563,034	4,784,322	221,288	6,151,462	4,784,321	(1,367,141)
Culture and recreation:						
Parks and recreation	3,735,456	4,173,775	438,319	4,860,148	4,173,775	(686,373)
Library	803,311	815,804	12,493	1,006,185	815,804	(190,381)
Other - nondepartmental	326,844	118,000	(208,844)	98,333	118,000	19,667
Total culture and recrea	4,865,611	5,107,582	241,971	5,964,666	5,107,579	(857,087)
Economic development:						
Development	315,641	303,462	(12,179)	498,344	303,462	(194,882)
Other - nondepartmental	599,620	692,033	92,413	1,026,940	692,033	(334,907)
Total economic develop	915,261	995,498	80,237	1,525,284	995,495	(529,789)
Health:						
Animal control	63,206	68,615	5,409	67,069	68,615	1,546
Mobile Clinic	-	-	-	-	-	-
Other	245,463	226,964	(18,499)	212,631	226,964	14,333
Total health	308,669	295,578	(13,091)	279,700	295,579	15,879
Education	2,759,833	2,776,833	17,000	2,776,667	2,776,833	166
Welfare	97,109	144,167	47,058	130,556	144,167	13,611
Capital outlay	9,897,527	15,982,184	6,084,657	27,749,184	15,982,184	(11,767,000)
Debt service						
Principal retirement	-	-	-	566,846	-	(566,846)
Interest and charges	-	-	-	14,897	-	(14,897)
Total debt service	-	-	-	581,743	-	(581,743)
Total expenditures	43,542,762	51,831,498	8,288,734	70,018,526	51,831,497	(18,187,025)
Other financing uses						
Transfers out:						
Transfers to PR/Jail const	2,913,588	3,708,072	794,484	2,833,333	3,708,072	874,739
Transfers to other funds	5,614,012	3,668,245	(1,945,767)	8,574,490	3,668,245	(4,906,245)
Total transfers out	8,527,600	7,376,318	(1,151,282)	11,407,823	7,376,317	(4,031,506)
Total expenditures and other f	\$ 52,070,362	\$ 59,207,816	\$ 7,137,452	\$ 81,426,345	\$ 59,207,816	\$ (22,218,529)

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)

City of Opelika
Capital Outlay (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD July 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	224,802	203,332	903,748	224,802	678,946
Human Resources	-	-	-	-	-	-
Information Technology	839,169	322,274	(516,895)	322,677	322,274	403
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	-	-	84,115	-	84,115
Other	-	-	-	945,815	-	945,815
Total general government	\$ 860,639	\$ 547,076	\$ (313,563)	\$ 2,256,355	\$ 547,076	\$ 1,709,279
Public Safety:						
Police	2,923,320	538,780	(2,384,540)	610,519	538,780	71,739
Probation	-	-	-	-	-	-
Fire	499,100	524,689	25,589	1,994,372	524,689	1,469,683
Total public safety	\$ 3,422,420	\$ 1,063,469	\$ (2,358,951)	\$ 2,604,891	\$ 1,063,469	\$ 1,541,422
Public Works:						
Streets	1,561,853	2,428,462	866,609	3,726,898	2,428,462	1,298,436
Engineering	2,348,242	3,385,197	1,036,955	6,356,840	3,385,197	2,971,643
Administration	406,506	462,653	56,147	396,215	462,653	(66,438)
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	\$ 4,316,601	\$ 6,276,312	\$ 1,959,711	\$ 10,479,953	\$ 6,276,312	\$ 4,203,641
Culture and Recreation:						
Parks and Recreation	820,956	678,871	(142,085)	2,043,494	678,871	1,364,623
Library	491,271	7,416,456	6,925,185	10,371,438	7,416,456	2,954,982
Total culture and recreation	\$ 1,312,227	\$ 8,095,327	\$ 6,783,100	\$ 12,414,932	\$ 8,095,327	\$ 4,319,605
Economic development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health, Education and Welfare	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total capital outlay expenditures	\$ 9,911,887	\$ 15,982,184	\$ 6,070,297	\$ 27,756,131	\$ 15,982,184	\$ 11,773,947
PROPRIETARY FUNDS						
Electric	1,963,741	2,170,948	207,207	6,610,932	2,170,948	4,439,984
Sewer	289,527	1,112,049	822,522	2,799,948	1,112,049	1,687,899
Solid Waste	394,018	337,253	(56,765)	572,810	337,253	235,557
Total Proprietary funds	\$ 2,647,286	\$ 3,620,250	\$ 972,964	\$ 9,983,690	\$ 3,620,250	\$ 6,363,440
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	9,574	-	(9,574)	62,589	-	62,589
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	-	-	-
Road Construction - Street Resurfacing & Paving	-	-	-	-	-	-
2011 Road Construction - Street paving	-	240,978	240,978	666,666	240,978	425,688
Future Capital Improvement Projects	-	-	-	-	-	-
Capital Improvement funds - Other	196,658	1,015,963	819,305	2,244,813	1,015,963	1,228,850
Industrial Road Grant funds - Other	-	-	-	-	-	-
Total Other Governmental funds	\$ 206,232	\$ 1,256,941	\$ 1,050,709	\$ 2,974,068	\$ 1,256,941	\$ 1,717,127
Total	\$ 12,765,405	\$ 20,859,375	\$ 8,093,970	\$ 40,713,889	\$ 20,859,375	\$ 19,854,514

Attachment: July 2021 Financial Statements (4811 : City's Financial Summary Report for July 2021.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 08/17/21 07:00 PM
Department: City Clerk
Category: Building Permit Report.
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:

MAYOR'S REMARKS (ID # 4832)

DOC ID: 4832

July 2021 Monthly Building Report.

COMMENTS - Current Meeting:

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



BUILDING INSPECTIONS

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

Monthly Permits for July 2021

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	2	11
Plumbing Upgrades	0	1
Electrical Upgrades	1	1
Mechanical Upgrades	1	5
Reroofs And Roof Repairs	0	8
Mobile Home Services	0	0
Building Additions/Accessory Structures	4	4

Monthly Totals for July

2012	\$	2,746,405.00
2013	\$	2,019,998.00
2014	\$	9,059,891.00
2015	\$	4,340,584.00
2016	\$	12,019,990.00
2017	\$	13,921,378.00
2018	\$	10,392,839.00
2019	\$	7,366,371.18
2020	\$	26,889,523.59
2021	\$	11,200,711.17

Total Permits Issued

2	New Buildings: Commercial	\$	1,250,000.00
7	Commercial Renovations And Repairs	\$	1,955,051.00
2	Signs	\$	10,600.00
30	New Single Family Homes	\$	7,387,353.00
25	Residential Repairs And Renovations	\$	489,924.17
0	New Apartment Units	\$	-
1	New Duplex Residences	\$	107,783.00

67

Total Permits for July 2021

\$11,200,711.17

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Chief Building Inspector





BUILDING INSPECTIONS

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

Fiscal Year To Date Report - 2021

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	1
Building Repairs	39	93
Plumbing Upgrades	18	53
Electrical Upgrades	35	97
Mechanical Upgrades	24	92
Reroofs And Roof Repairs	12	78
Mobile Home Services	0	13
Building Additions/Accessory Structures	12	87

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:

26	New Buildings: Commercial	\$ 18,674,759.03
59	Commercial Renovations And Repairs	\$ 16,277,595.90
42	Signs	\$ 469,391.93
407	New Single Family Homes	\$ 98,056,483.60
246	Residential Repairs And Renovations	\$ 5,101,461.88
168	New Apartment Units	\$ 23,198,920.00
24	New Duplex Residences	\$ 4,237,468.00

972	Permit Total Issued for FY 2021	\$ 166,016,080.34
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JEFF KAPPELMAN
Chief Building Inspector

Attachment: July 2021 (4832 : July 2021 Monthly Building Report.)



City of Opelika Building Inspections Department

July 2021 Monthly Building Permit Detail Report

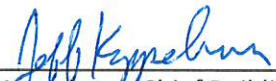
Issue Date	Main Address	Work Class	Company	Valuation
7/1/2021	1375 MCCOY ST	Swimming Pool	COX SWIMMING POOLS INC	143,750.00
7/1/2021	1409 SANDRAY DR	Roofs	PLATINUM ROOFING SOLUTIONS INC	17,999.17
7/1/2021	900 PRIESTER RD A	Communication Towers	ERICSSON INC	40,000.00
7/1/2021	1207 ROCKY BROOK RD	Roofs	ALL-V ROOFING & RESTORATION LL	5,775.00
7/2/2021	1015 WESTPOINT PKWY	Communication Towers	ERICSSON INC	52,000.00
7/6/2021	3248 TURKEY HILL CIR	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	315,280.00
7/6/2021	3746 RIDGE RD	Alteration	LETLOW CO LLC, THE (OCC TAX)	98,000.00
7/6/2021	231 MERLIN ST	New Single Family Detached	Lowder New Homes	324,697.00
7/6/2021	1705 ROCKY BROOK RD	Roofs	B&L ROOFING	7,000.00
7/6/2021	2503 POPLAR ST	Alteration	B&B INVESTMENTS LLC	30,000.00
7/7/2021	2803 JACKSON ST	Accessory Buildings	Gary Hudgins	3,000.00
7/7/2021	2111 GARETH ST	New Single Family Detached	LOWDER NEW HOMES INC	347,652.00
7/7/2021	1495 SOAPSTONE WAY	New Single Family Detached	LIBERTY COMMUNITIES LLC	233,165.00
7/7/2021	2915 MCKINLEY DR	Decks	CHEROKEE REMODELING & SIDING	9,995.00
7/7/2021	2004 AUTREY ST	Alteration	BEN HILL BUILDERS INC	53,535.00
7/7/2021	1509 SOAPSTONE WAY	New Single Family Detached	Liberty Communities LLC	233,986.00
7/7/2021	3300 OAKDALE DR	Alteration	Window World River Region	4,752.00
7/9/2021	786 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	269,009.00
7/9/2021	705 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	312,716.00
7/9/2021	1192 BURROW CIR	New Single Family Detached	HOLLAND HOMES LLC	107,783.00
7/9/2021	1285 FOXTAIL LN	New Single Family Detached	HOLLAND HOMES LLC	127,557.00
7/9/2021	507 BIRCH CIR	Accessory Buildings	Reginald Keith	3,000.00
7/9/2021	1244 FOXTAIL LN	New Single Family Detached	HOLLAND HOMES LLC	111,884.00
7/9/2021	708 HERNDON ST	Accessory Buildings	Robbie Thomas	1,500.00
7/9/2021	1188 BURROW CIR	New Single Family Detached	HOLLAND HOMES LLC	107,783.00
7/12/2021	2402 WAVERLY PKWY	Alteration	GOLD HILL CONSTRUCTION	1,705.00
7/12/2021	2009 AUTREY ST	Roofs	TAYLOR ROOFING & GENERAL CONTRACTING, LLC	6,500.00
7/12/2021	4209 BONFIRE BLF	New Single Family Detached	BC STONE HOMES, LLC	279,679.00

Attachment: July 2021 (4832 : July 2021 Monthly Building Report.)

7/12/2021	818 SKI SPRAY PT	New Single Family Detached	BC STONE HOMES, LLC	263,643.00
7/12/2021	300 N UNIROYAL RD 12	Roofs	Shirley Sims	4,600.00
7/13/2021	2100 INDUSTRIAL BLVD	Addition	SCF ERECTIONS LLC	250,000.00
7/14/2021	2853 SPRING LAKES XING	Alteration	COLUMBUS FOUR SEASONS SUNROOMS	24,619.00
7/14/2021	640 WYMOND CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	297,325.00
7/14/2021	1167 WILLOW VIEW DR	Addition	FOUR SEASONS OF COLUMBUS	18,400.00
7/14/2021	821 VIOLET LN	New Single Family Detached	STONE MARTIN BUILDERS	245,760.00
7/14/2021	2201 ENTERPRISE DR	Fire Alarm	HARRIS SECURITY SYSTEMS INC	0.00
7/14/2021	2773 SPRING LAKES XING	Addition	COLUMBUS FOUR SEASONS SUNROOMS	12,777.00
7/14/2021	1689 HIDDEN LAKES DR	New Single Family Detached	STONE MARTIN BUILDERS	187,976.00
7/14/2021	2355 SHERWOOD DR	New Single Family Detached	STONE MARTIN BUILDERS	186,692.00
7/15/2021	5540 TAYLOR RD	Roofs	ARS	7,500.00
7/15/2021	1683 HONEYCOMB DR	Accessory Buildings	Jason Stroman	2,000.00
7/16/2021	2372 SHERWOOD DR	New Single Family Detached	STONE MARTIN BUILDERS	212,640.00
7/16/2021	1697 HIDDEN LAKES DR	New Single Family Detached	STONE MARTIN BUILDERS	187,976.00
7/16/2021	2178 CHAPEL LN	New Single Family Detached	STONE MARTIN BUILDERS	303,589.00
7/19/2021	3218 TURKEY HILL CIR	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	325,909.00
7/20/2021	2640 ENTERPRISE DR	Alteration	Conlon Construction Co.	1,154,525.00
7/20/2021	600 MEADOW AVE	Alteration	Selwyn Jones	27,667.00
7/21/2021	409 GWYNNE'S WAY	Addition	Tracy Simpson	8,700.00
7/21/2021	2867 WYMOND DR	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	293,008.00
7/21/2021	2851 WYMOND DR	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	286,111.00
7/21/2021	735 WYNDHAM VILLAGE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	313,755.00
7/23/2021	4316 PEBBLE SHORE DR	Swimming Pool	BACKYARD EXPERIENCE, THE	109,500.00
7/26/2021	1200 COLUMBUS PKWY	Signs	BRANDED IMAGE GROUP	5,200.00
7/26/2021	304 PALMER AVE	Alteration	GOLD HILL CONSTRUCTION	13,850.00
7/26/2021	511 2ND AVE	Signs	BRANDED IMAGE GROUP	5,400.00
7/26/2021	1515 TERRACE CT	Roofs	ROOFS R US	8,550.00
7/27/2021	1258 BURROW CIR	New Single Family Detached	HOLLAND HOMES LLC	107,783.00
7/27/2021	1238 BURROW CIR	New Single Family Attached	HOLLAND HOMES LLC	107,783.00
7/27/2021	1254 BURROW CIR	New Single Family Detached	HOLLAND HOMES LLC	107,783.00
7/29/2021	1001 ANDREWS RD	Addition	J.A. Lett Construction Co., Inc.	229,776.00
7/29/2021	2908 WYMOND DR	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	324,743.00
7/29/2021	632 WYMOND CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	324,743.00

Attachment: July 2021 (4832 : July 2021 Monthly Building Report.)

7/29/2021	2943 WYMOND DR	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	269,009.00
7/29/2021	2936 WYMOND DR	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	377,717.00
7/30/2021	701 8TH AVE	Roofs	MONROE ROOFING CO	9,000.00
				\$11,200,711.17



Jeff Kappelman, Chief Building Inspector



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 08/17/21 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 4829)

DOC ID: 4829

Request Alcohol License - JC Inc. dba M and M Grocery - Retail Beer and Wine Off Premise License.

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

GENERAL BUSINESS (ID # 4813)

Meeting: 08/17/21 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:

DOC ID: 4813

Request from Opelika Main Street for On the Tracks Event on 10-22-21.

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



August 10, 2021

Dear Russell,

Opelika Main Street is requesting that the council approve a street closure on October 22 for our annual On the Tracks event.

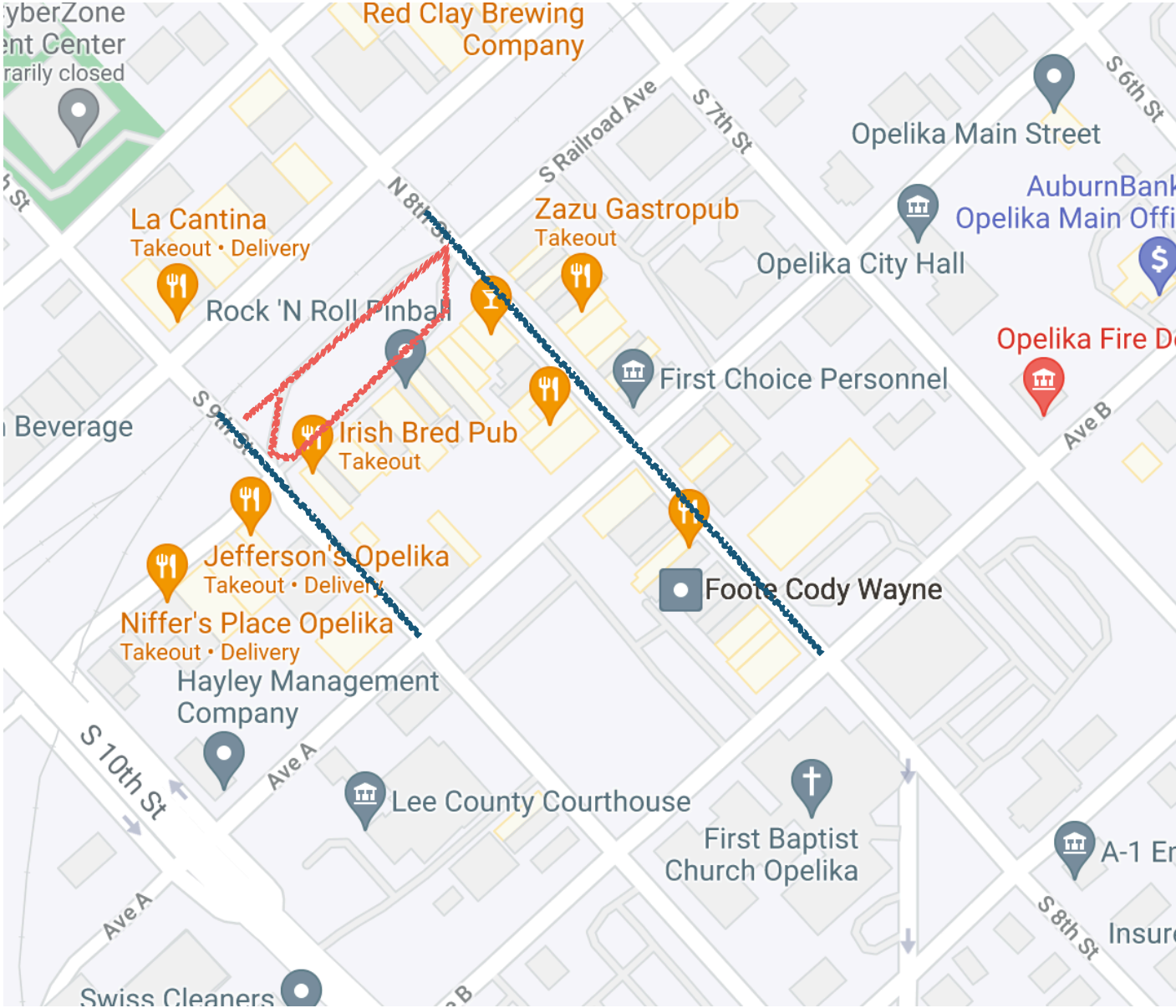
-South Railroad Avenue between S. 8th Street and S. 9th Street from 4:30PM to 11:00PM

-South 8th Street between South Railroad and Avenue B from 5:30PM to 11:00PM

-South 9th Street between S. Railroad and Avenue A from 5:30PM to 11:00PM

Thank you for your consideration,

Ken Ward
Executive Director, Opelika Main Street



**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 4814)**

Meeting: 08/17/21 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4814

Request from Opelika Main Street for Christmas in a Railroad Town Event on 12-10-21.

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



August 10, 2021

Opelika Main Street is submitting a street/sidewalk closure request for the 2021 Christmas In A Railroad Town event on December 10.

We request these areas to be closed from 4:00PM-10PM:

- South Railroad Ave. between 9th Street and 7th Street
- Courthouse Square parking lots

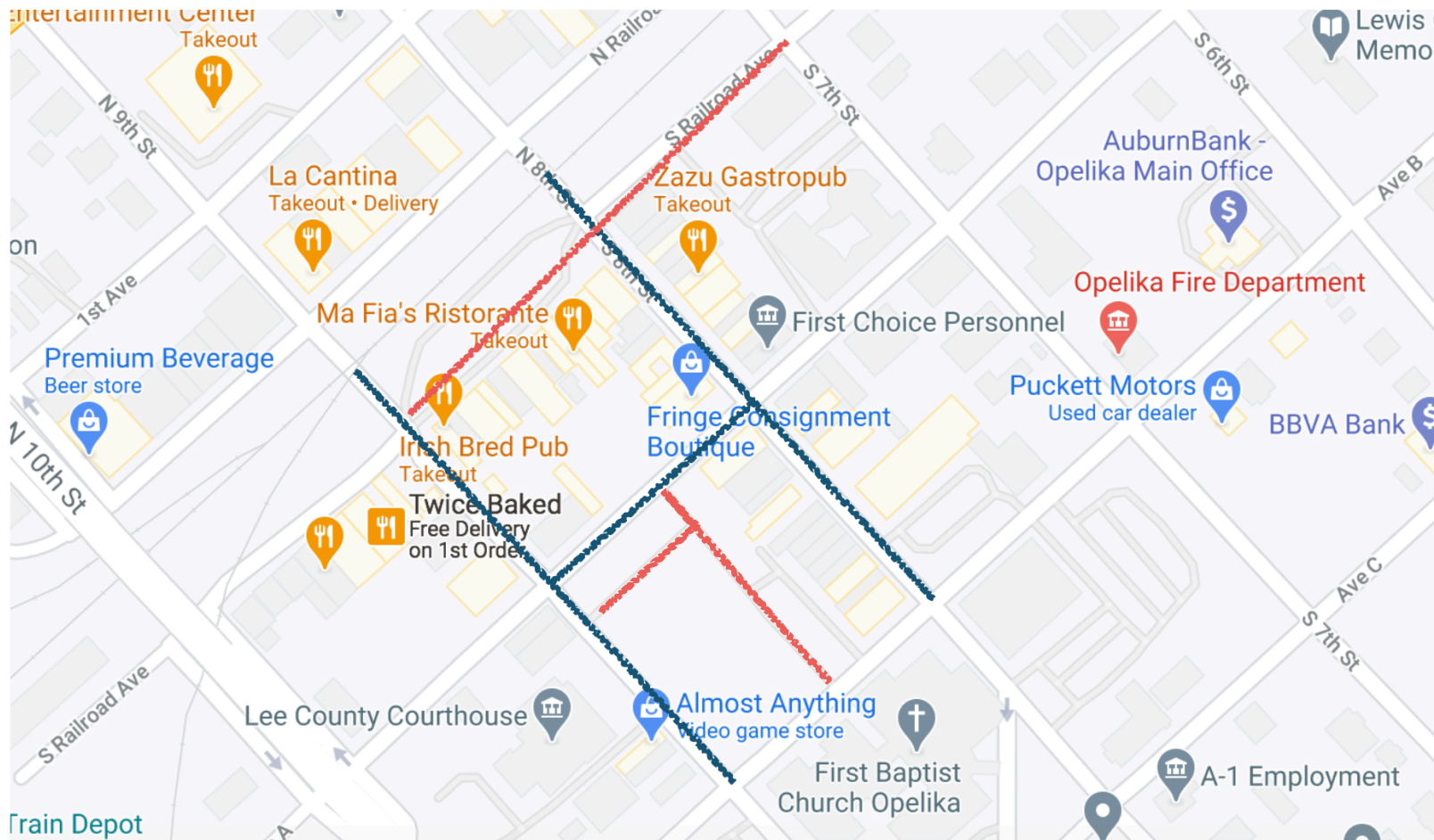
We request these additional streets to be closed from 5:30PM-10:00PM:

- S. 9th Street from Avenue B to the railroad tracks
- S. 8th Street from Avenue B to the railroad tracks
- Avenue A from S. 8th Street to S. 9th Street

The map of the streets requested is attached.

Thank you for your consideration,

Ken Ward
Executive Director, Opelika Main Street





City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4752)

Meeting: 08/17/21 07:00 PM

Department: Planning

Category: Amendment

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 4752

Public Hearing - Amend Zoning Ord & Map: 26,780 SF, 1109 Columbus Parkway.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, August 17, 2021, at 7:00 p.m. in the Courtroom of the Opelika Municipal Court Building, 300 Martin Luther King Boulevard, Opelika, Lee County, Alabama.

PURPOSE

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

ORDINANCE NO. _____

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

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

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

From a R-1 District (Rural District) to a C-3 District (General Commercial District), the parcel of land hereinafter described:

Lots 1, 2 and 3, HEWITT SUBDIVISION, according to and as shown by that certain

map or plat thereof of record in Town Plat Book 15 at Page 4 in the Office of the Judge of Probate of Lee County, Alabama.

The above-described property contains 26,780 square feet, more or less, and is located near Columbus Parkway and adjacent to Anand Street.

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

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

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

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

WITNESS my hand this the ____ day of _____, 2021.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Please publish the foregoing Notice one (1) time in the July ____, 2021, issue of your paper.

CITY CLERK

The applicant is requesting rezoning 26,780 square feet from R-1 to C-3. The applicant is requesting to rezone 26,780 square feet from R-1 to C-3. The rezoning property was a northern portion of a larger R-1

zoning district (rural) as shown on the 1991 zoning map. The property was sold to the adjacent property owner (Manav Hospitality, current owner) that fronts along Columbus Parkway, but the property has remained an R-1 undeveloped lot. The rezoning property is part of the proposed RaceTrac commercial development that involves 5 lots; the other four adjacent lots are zoned C-3. At the June 22nd meeting, the Planning Commission voted 7 to 0 to send a positive recommendation to CC to rezone the property. The Planning Commission report and maps are attached.

COMMENTS - Current Meeting:

Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said amendment. Bert Boykin of Birmingham, as a representative of the applicant Racetrac Petroleum, spoke to the council about how the rezoning is consistent with the existing zoning map and asked for the council's approval of the rezoning request on behalf of their client. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Action Requested: Rezoning - from R-1 to R-3

Property Owner(s): RS Hospitality LLC, Manav Hospitality, and Pina Investments, LLC
Bert Boykin and Martin Evans, authorized representative for RaceTrac Petroleum, Inc.

Current Zoning: R-1

Proposed Zoning: C-3 (general commercial)

Existing Land Use: Commercial

**Surrounding Zoning Districts
And Land Uses:**

North	C-3, GC	Commercial
South	C-3, GC	Undeveloped
East	C-3, GC	Undeveloped/Commercial
West	C-3, GC	Commercial

Rezoning

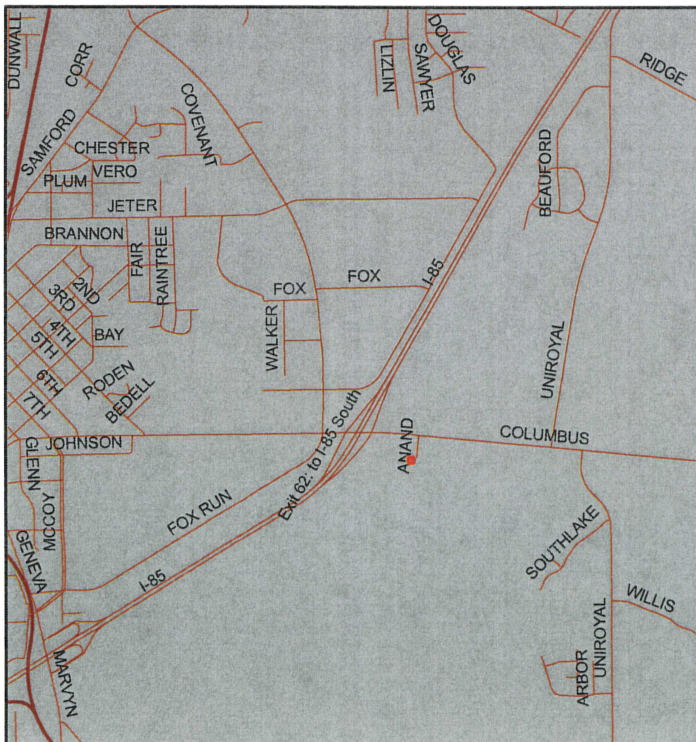
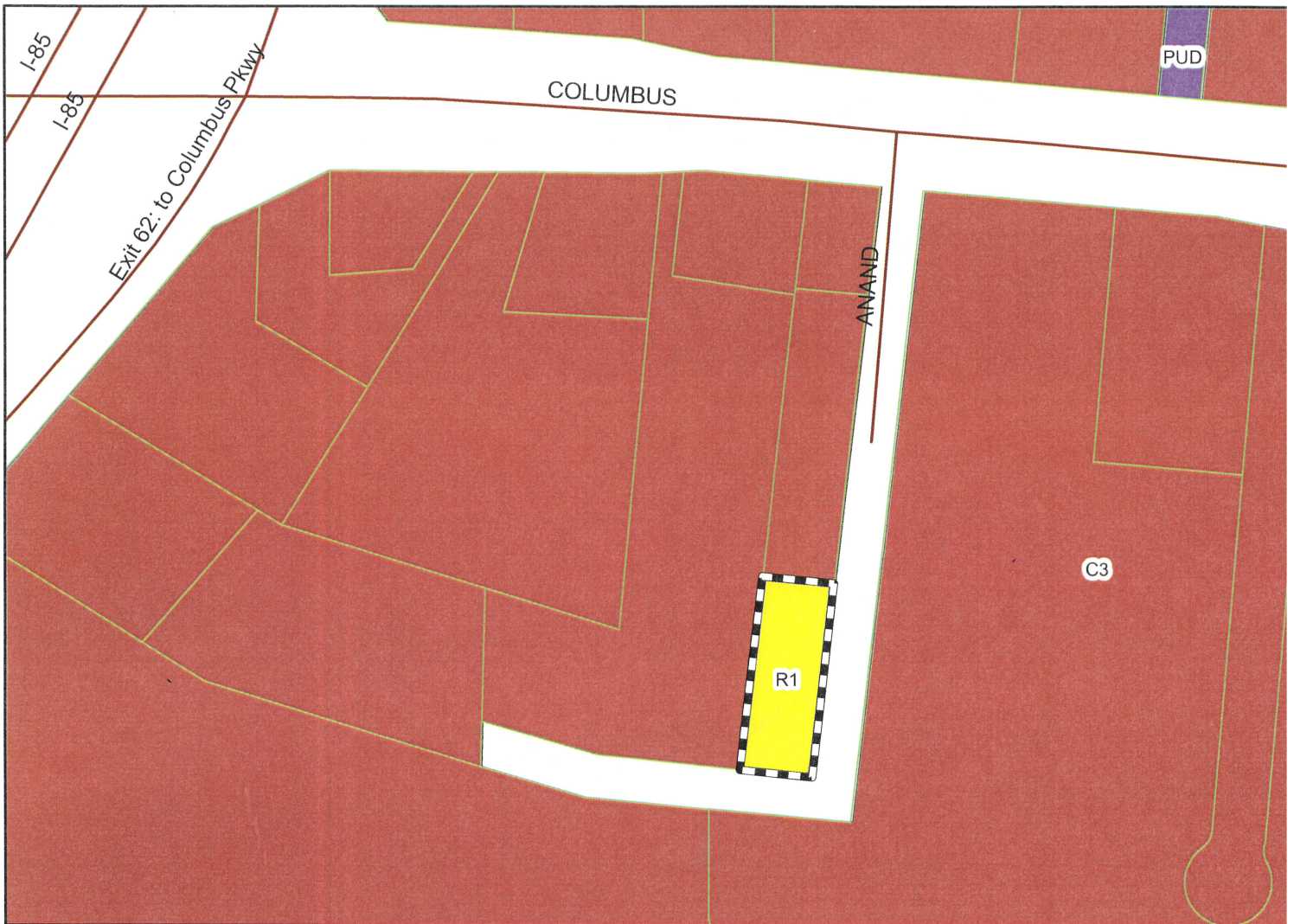
The applicant, RaceTrac Petroleum LLC, is requesting to rezone a 26,780 square foot lot from R-1 to C-3. The rezoning property was a northern portion of a larger R-1 zoning district (rural) as shown on the 1991 zoning map. The property was sold to the adjacent property owner (Manav Hospitality, current owner) that fronts along Columbus Parkway, but the property has remained an R-1 undeveloped lot. The rezoning property is part of the proposed RaceTrac commercial development and under contract for sale as the other four adjacent lots; the other four lots are zoned C-3. The property is required to be rezoned C-3 so a zoning violation does not occur. If the rezoning property is rezoned to C-3 the property will be added to the adjacent C-3 properties. After RaceTrac acquires ownership of the five properties then the five lots will be combined into one lot for the RaceTrac development. The adjacent properties on all sides of the rezoning property are in a C-3 zoning district.

Staff Recommendation

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

At the June 22, 2021 meeting, the Planning Commission voted 7 to 0 to send a positive recommendation to City Council to approve the rezoning request.

RACETRAC REZONING 1109 COLUMBUS PARKWAY FROM R-1 TO C-3, D-4



The applicant is requesting rezoning a 26,8 square foot lot. The lot will be combined w adjacent lots in a C-3, GC-P zoning district.



Subject Property

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



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4778)

Meeting: 08/17/21 07:00 PM

Department: Planning

Category: Vacate Property

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 4778

Public Hearing - Vacate Right-Of-Way - North Portion of Unnamed Street in Fox Run Industrial Park.

The Opelika Industrial Development Authority (OIDA) is requesting to vacate an unnamed street right-of-way in the Northeast Industrial Park. There are no plans to develop the right-of way. The OIDA does not desire to develop the lots along the unnamed street; the lots will be combined into one lot. At the May 25th meeting, the Planning Commission voted 7 to 0 to send a positive recommendation to City Council to vacate the unnamed street as shown on the Fox Run Industrial Park, First Revision First Addition, Revision of Lots 3,4, 8, 9, 10, 11, 12, 13, 14, 15 & 18 subdivision plat; the unnamed street is located between lots 5, 6 and 8A. (See PC Report and Plat attached)

COMMENTS - Current Meeting:

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

City of Opelika Planning Commission Report

Action Requested:	Vacation of Right-of-Way, west of Fox Run Parkway (US HWY 431) between Lots 5, 6, and 8A of Fox Run Industrial Park First Addition.		
Adjacent Property Owner	Opelika Industrial Development Authority		
Location of Property:	Between Lots 5, 6, and 8A of Fox Run Industrial Park First Addition.		
Adjacent Land Use:	Vacant		
Current Zoning:	M-2, GC-P		
Surrounding Zoning Districts And Land Uses:	North	M-2, GC-P	Vacant
	South	I-1	Single family homes
	East	M-2, GC-P	Vacant
	West	M-2, GC-P	Vacant

Proposal:

The applicant, Opelika Industrial Development Authority, is petitioning the City to vacate an unnamed right-of-way between Lots 5, 6, and 8A of Fox Run Industrial Park, First Revision, First Addition. The applicant is requesting to vacate this right-of-way as they no longer wish to develop the lots as previously platted. The vacation of this right-of-way will leave Lot 5 without access, but the applicant is working to combine the lots. The subdivision application is expected to come before the Planning Commission next month for review. Other portions of this right-of-way have been previously vacated due to reconfiguration of lots. The applicant wants all of the property adjacent to the proposed segment to be vacated. (See location of unnamed street on plat attached.)

Staff recommends the Planning Commission send a positive recommendation to City Council to approve the vacation of a portion of the un-named right-of-way of between Lots 5, 6, and 8A of Fox Run Industrial Park, First Revision, First Addition.

At the May 25th meeting, the Planning Commission voted 7 to 0 to send a positive recommendation to City Council to vacate the unnamed street as described in this report.

REVISION OF LOTS 3, 4, 8, 9,
10, 11, 12, 13, 14, 15 & 18
A RE-SUBDIVISION OF LOTS - 4 & 7
FOXRUN INDUSTRIAL PARK
FIRST REVISION FIRST ADDITION
SEC. 8 T19N R27E
OPELIKA LEE COUNTY ALABAMA
SCALE 1"=100' DECEMBER 13, 1998

STATE OF ALABAMA
LEE COUNTY

I, GRADY L. JAMMERSON, JR., A REGISTERED LAND SURVEYOR OF ALABAMA, HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THIS THE 13TH DAY OF DECEMBER, 1998.

Grady L. Jammerson, Jr.
GRADY L. JAMMERSON, JR., P.L.S. AL. REG. NO. 19746

STATE OF ALABAMA
LEE COUNTY

I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, CERTIFY THAT GRADY L. JAMMERSON, JR., WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE SAID, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, HE EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 13TH DAY OF DECEMBER, 1998.

Joseph D. Allen
JOSEPH D. ALLEN
NOTARY PUBLIC, MY COMMISSION EXPIRES: 11/1/02

STATE OF ALABAMA
LEE COUNTY

THE INDUSTRIAL DEVELOPMENT BOARD OF OPELIKA, ALABAMA, OWNER OF THE REAL PROPERTY SHOWN ON THIS PLAT, HEREBY JOINS IN THE STATEMENT OF GRADY L. JAMMERSON, JR. AND CERTIFY THAT IT WAS AND IS ITS PURPOSE TO SUBSIDIZE THE LANDS SO PLATTED AS SHOWN.

IN WITNESS WHEREOF, I, T. K. DAVIS, II, CHAIRMAN, INDUSTRIAL DEVELOPMENT BOARD OF OPELIKA, ALABAMA, HEREBY SET MY HAND ON THIS THE 13TH DAY OF DECEMBER, 1998.

T. K. Davis, II
T. K. DAVIS, II, CHAIRMAN

STATE OF ALABAMA
LEE COUNTY

I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT T. K. DAVIS, II, AS CHAIRMAN OF THE INDUSTRIAL DEVELOPMENT BOARD OF OPELIKA, ALABAMA, IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, HE EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND SEAL THIS THE 13TH DAY OF DECEMBER, 1998.

Joseph D. Allen
JOSEPH D. ALLEN
NOTARY PUBLIC, MY COMMISSION EXPIRES: 11/1/02

APPROVED BY THE OPELIKA CITY PLANNING COMMISSION, OPELIKA, ALABAMA
CHAIRMAN: *[Signature]* DATE: 12-15-98

APPROVED BY THE OPELIKA CITY PLANNER, OPELIKA, ALABAMA
PLANNER: *[Signature]* DATE: 12-15-98

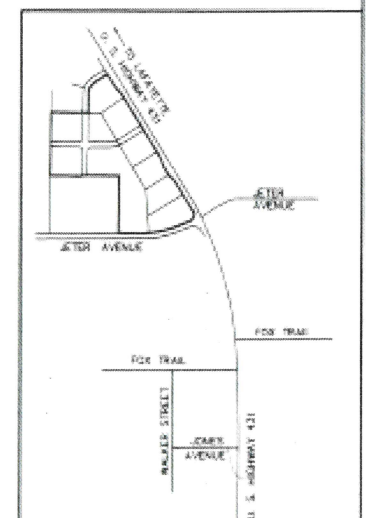
APPROVED BY THE OPELIKA CITY ENGINEER, OPELIKA, ALABAMA
CITY ENGINEER: *[Signature]* DATE: 12/15/98

APPROVED FOR RECORDING ONLY BY THE LEE COUNTY ENGINEER
COUNTY ENGINEER: *[Signature]* DATE: 12/15/98

REVIEWED BY THE LEE COUNTY HEALTH OFFICER
HEALTH OFFICER: *[Signature]* DATE: 12-14-98

- NOTES:
1. STORM DRAINAGE EASEMENTS MAY BE ADJUSTED TO FIT LOT DEVELOPMENT REQUIREMENTS BY APPROVAL OF THE CITY ENGINEER.
 2. BEARINGS BASED ON SOUTH 89°38' WEST AS FOUND ALONG THE NORTH MARGIN OF JETER AVENUE AND AS SHOWN ON A PLAT OF SURVEY BY DAVID H. MILLER, TITLED "A RE-SUBDIVISION OF LOTS - 4 & 7, FOXRUN INDUSTRIAL PARK, FIRST REVISION, FIRST ADDITION, AS RECORDED IN BOOK 13 AT PAGE 81 IN THE OFFICE OF THE JUDGE OF PROBATE OF LEE COUNTY, ALABAMA, SECTION 16 ALSO TAKEN FROM SAID PLAT.
 3. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIONS OF RECORD.
 4. TOTAL SITE AREA = 28.176 ACRES

VICINITY MAP



NOTICE OF PUBLIC HEARING
OPELIKA CITY COUNCIL
August 17, 2021 7:00 P.M.

NOTICE IS HEREBY GIVEN in accordance with §23-4-2, *Code of Alabama*, 1975, that the City Council of the City of Opelika will conduct a Public Hearing during the regularly scheduled City Council meeting on Tuesday, August 17, 2021, beginning at 7:00 p.m. in the Courtroom of the Municipal Court Building, 300 Martin Luther King Boulevard, Opelika, Lee County, Alabama, to receive the benefit of public input concerning a proposal to vacate a portion of an unnamed street lying between Lots 5, 6 and 8A of a subdivision plat entitled "Revision of Lots 3,4, 8, 9, 10, 11, 12, 13, 14, 15 & 18, a re-subdivision of Lots 4 and 7 of Fox Run Industrial Park, First Revision First Addition", according to and as shown on plat of said subdivision of record in Plat Book 20 at Page 89 in the Office of the Judge of Probate, Lee County, Alabama. All persons interested in the proposed vacation are invited to appear at the public hearing and express their views. Written statements or objections may be submitted to the City Clerk prior to the time of the hearing.

The portion of said unnamed street proposed to be vacated is more particularly described as follows:

LOTS 8A AND 9A, ACCORDING TO THE PLAT OF REVISION OF LOTS 3, 4, 8, 9, 10, 11, 12, 13, 14, 15 & 18 A RE-SUBDIVISION OF LOTS 4 & 7 FOXRUN INDUSTRIAL PARK, FIRST ADDITION, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF LEE COUNTY, ALABAMA IN PLAT BOOK 20, PAGE 89. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 1/2" REBAR (CAPPED "15722") FOUND AT THE SW CORNER OF LOT 8A OF SAID PLAT, SAID REBAR ALSO LYING ON THE EAST RIGHT OF WAY LINE OF AN UNNAMED ROAD (60 FEET IN-WIDTH RIGHT OF WAY); THENCE RUN NORTHERLY AND NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1.) N00°05'40"W, A DISTANCE OF 205.58 FEET TO A 1/2" REBAR (CAPPED "15722") FOUND; 2.) ALONG A CURVE TO THE RIGHT (RADIUS= 150.00 FEET) A CHORD BEARING AND DISTANCE OF

N28°34'21"E, 143.76 FEET TO A 1/2" REBAR (CAPPED "15722") FOUND; 3.) N57°12'47"E, A DISTANCE OF 160.39 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND AT THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF FOX RUN PARKWAY (U.S. HIGHWAY 431) (ALABAMA DEPARTMENT OF TRANSPORTATION PROJECT NO. OLB-041-000-001) (RIGHT OF WAY WIDTH VARIES); THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1.) S32°49'21"E, A DISTANCE OF 171.84 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND AT A RIGHT OF WAY FLARE; 2.) S44°08'51"E, ALONG SAID FLARE, A DISTANCE OF 101.65 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND; 3.) S32°48'55"E, A DISTANCE OF 388.00 FEET TO A 1/2" REBAR FOUND AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF GREATER PEACE DRIVE (60 FEET IN-WIDTH RIGHT OF WAY); THENCE RUN S57°12'45"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 262.95 FEET TO A 1/2" REBAR FOUND; THENCE RUN SOUTHWESTER ALONG SAID RIGHT OF WAY LINE AND A CURVE TO THE RIGHT (RADIUS= 270.00 FEET) A CHORD BEARING AND DISTANCE OF S62°25'37"W, A DISTANCE OF 47.92 FEET TO A 1/2" REBAR (CAPPED "11282") FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE RUN N31°32'31"W, A DISTANCE OF 339.52 FEET TO A 1/2" REBAR FOUND; THENCE RUN S89°58'51"W, A DISTANCE OF 136.31 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T19N, R27E, LEE COUNTY, ALABAMA, AND CONTAINS 4.79 ACRES, MORE OR LESS.

A copy of the Petition to Vacate and the proposed resolution approving the vacation will be available upon request at the office of the City Clerk, 1st Floor of City Hall, 204 South 7th Street, Opelika, Alabama.

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

DATED this the 22nd day of July, 2021.

/s/ Russell A. Jones

RUSSELL A. JONES, CITY CLERK

TO: PUBLISHER
{Name of Newspaper}
{Address}
Opelika, Alabama 36801

Please publish the foregoing Notice once a week for four (4) consecutive weeks in the
[Name of Newspaper].

/s/ Russell A. Jones

RUSSELL A JONES, CITY CLERK

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4827)**

Meeting: 08/17/21 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

DOC ID: 4827

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

COMMENTS - Current Meeting:

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

To: State of Alabama *2011*
 PO Box 327210
 Montgomery, AL 36132

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

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NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1733 1st Ave., 073.000, in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$ 177.92.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 17th day of August, 2021.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 9th day of August, 2021.

 Liz Chapman
 Code Compliance Officer

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

Attachment: 1733 1ST AVE NPH RESOLUTION COST TO ABATE (4827 : Public Hearing - Weed Abatement Assessment - 1733 1st Ave.)



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: State of Alabama *2011*
PO Box 327210
Montgomery, AL 36132

Property Address: 1733 1st Ave, Opelika

Parcel # 43-09-06-13-2-000-073.000

On 6/28/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 176.90

Certified Mail: _____

Regular Mail: \$ 1.02

Total: \$ 177.92

Attachment: 1733 1ST AVE, WEED ABATEMENT INVOICE NOTICE (4827 : Public Hearing - Weed Abatement Assessment - 1733 1st Ave.)



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4819)**

Meeting: 08/17/21 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

DOC ID: 4819

Public Hearing - Weed Abatement Assessment - 308 Brannon Ave.

COMMENTS - Current Meeting:

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

To: Alabama State of *2009*
 c/o Revenue Department
 PO Box 327210
 Montgomery, AL 36132

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

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 308 Brannon Ave, Parcel 072.000, in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$ 222.27.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 17th day of August, 2021.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 9th day of August, 2021.

 Liz Chapman
 Code Compliance Officer

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



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Alabama State of *2009*
c/o Department of Revenue
PO Box 327210
Montgomery, AL 36132

Property Address: 308 Brannon Ave, Opelika

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

On 6/28/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 221.25

Certified Mail: _____

Regular Mail: \$ 1.02

Total: \$ 222.27

Attachment: 308 BRANNON AVE WEED ABATEMENT INVOICE NOTICE (4819 : Public Hearing - Weed Abatement Assessment - 308 Brannon



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4817)**

Meeting: 08/17/21 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

DOC ID: 4817

Public Hearing - Weed Abatement Assessment - 120 Chester Ave.

COMMENTS - Current Meeting:

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

To: Rachel W. Dean & Tiffany W.
PO Box 1009
Auburn, AL 36831

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
120 Chester Ave, Parcel 43-10-03-05-3-000-058.000**

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NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 120 Chester Ave, Parcel 058.000, in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above, described property is \$ 163.30.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 17th day of August, 2021.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 9th day of August, 2021.

Liz Chapman
Code Compliance Officer

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

Attachment: 120 CHESTER AVE NPH RESOLUTION COST TO ABATE (4817 : Public Hearing - Weed Abatement Assessment - 120 Chester Ave.)



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Rachel W. Dean & Tiffany W.
PO Box 1009
Auburn, AL 36831

Property Address: 120 Chester Ave, Opelika

Parcel # 43-10-03-05-3-000-058.000

On 7/6/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/29/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 149.38

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 163.30

Attachment: 120 CHESTER AVE WEED ABATEMENT INVOICE NOTICE (4817 : Public Hearing - Weed Abatement Assessment - 120 Chester



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4815)**

Meeting: 08/17/21 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

DOC ID: 4815

Public Hearing - Weed Abatement Assessment - 55 N. Uniroyal Rd.

COMMENTS - Current Meeting:

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

To: Mahavirji LLC
 1800 St. Andrews Way
 Phenix City, AL 36867

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 55 N. Uniroyal Rd, Parcel 43-10-05-16-1-000-001.000**

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NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 55 N. Uniroyal Rd, Parcel 001.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$ 1,048.52.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 17th day of August, 2021.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 9th day of August, 2021.

 Liz Chapman
 Code Compliance Officer

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



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Mahavirji LLC
1800 St. Andrews Way
Phenix City, AL 36867

Property Address: 55 N. Uniroyal Rd, Opelika AL

Parcel # 43-10-05-16-1-000-001.000

On 7/2/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 1,034.62

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 1,048.52

Attachment: 55 N. UNIROYAL RD WEED ABATEMENT INVOICE NOTICE (4815 : Public Hearing - Weed Abatement Assessment - 55 N. Uniroyal



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4823)**

Meeting: 08/17/21 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

DOC ID: 4823

Public Hearing - Weed Abatement Assessment - 310 Pleasant Dr.

COMMENTS - Current Meeting:

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

To: Nancy Leah Kenrick Brantley
 1814 Briarwood Lane
 Opelika, AL 36801

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 310 Pleasant Dr, Parcel 43-09-06-13-2-000-020.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 310 Pleasant Dr., 020.000, in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$ 205.96.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 17th day of August, 2021.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 9th day of August, 2021.

 Liz Chapman
 Code Compliance Officer

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



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Nancy Leah Kendrick Brantley
1814 Briarwood Lane
Opelika, AL 36801

Property Address: 310 Pleasant Drive

Parcel # 43-09-06-13-2-000-020.000

On 7/8/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/29/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 192.04

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 205.96



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4825)**

Meeting: 08/17/21 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

DOC ID: 4825

Public Hearing - Weed Abatement Assessment - 810 Williamson Ave.

COMMENTS - Current Meeting:

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

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

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

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 810 Williamson Ave., Parcel 007.000, in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$ 163.92.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd., Opelika, Alabama, on the 17th day of August, 2021.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 9th day of August, 2021.

 Liz Chapman
 Code Compliance Officer

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



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

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

Property Address: 810 Williamson Ave, Opelika

Parcel # 43-10-04-19-2-000-007.000

On 6/27/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 150.00

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 163.92

Attachment: 810 WILLIAMSON AVE, WEED ABATEMENT INVOICE NOTICE (4825 : Public Hearing - Weed Abatement Assessment - 810



RESOLUTION NO. 194-21

Emergency Purchase - Substation 7 - OPS.

RESOLUTION NO. _____

WHEREAS, the transformer in service and the spare transformer at Substation 7 were damaged due to a lightning storm on July 27th, 2021 and are in need of repairs; and

WHEREAS, the repairs are deemed to be an emergency by the Purchasing-Revenue Manager; and

WHEREAS, Solomon Corporation is performing the repairs; and

WHEREAS, the cost of the repairs is estimated to be \$120,164.00; and

WHEREAS, the cost of the repairs will come from Opelika Power Services System Expansion and Upgrades account;

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

1. That the City Council deem the actions of the Purchasing-Revenue Manager to be correct in awarding the emergency purchase order to Solomon Corporation for an estimated amount of \$120,164.00.
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



600 Fox Run Pkwy | PO Box 2168
Opelika, Alabama 36803-2168
Phone: 334.705.5170

To: The Honorable City Council of Opelika

Subject: Emergency Repairs for Substation 7

Dear Council,

OPS would request an emergency resolution to facilitate the timely repair of a substation transformer repair for our Substation #7. Both the transformer in service and the spare transformer at that substation were damaged due to a lightning storm on July 27, 2021. This is the only substation that is served by a 46 kV transmission line and therefore we have no other substation transformers that will work. We tried to find a used transformer from many different sources but none that would fit in our substation footprint or were the right voltages.

After exhausting every resource and vendor on buying an existed transformer, it was decided that our best option was to have a new transformer built that met our specifications. Solomon Corporation provided the best quote with the shortest lead time. The total cost of the transformer is \$120,164.00.

This substation is critical for public safety because it is the only source of electricity to one of Opelika Utilities water plants located on Lake Harding. This transformer will allow us to provide a more reliable source of electricity once installed.

Kindest Regards,

A handwritten signature in blue ink that reads "Derek S. Lee".

Derek S. Lee
Director

www.opelikapower.com

Attachment: 8-17-21 - EMERGENCY REPAIRS - SUBSTATION 7 - CNCL PKT (194-21 : Emergency Purchase - Substation 7 - OPS.)



Quote: **Q-45326** | Sale
 Date: August 3, 2021
 Change Order: No | Revision: 0
 Project:

ATTN: Who you issue your PO to may be changing. If you already issue PO's to Solomon Corporation, no action is needed. If you currently do not, please set up Solomon Corporation in your system as a vendor with the following:

Solomon Transformers, LLC dba Solomon Corporation
PO Box 245
Solomon, KS 67480
Tax ID: 48-0777539

Stacey Bryson
 Opelika Power Service
 stacey.bryson@opelikapower.com

Daresa Denis
 Sales Support
 ddenis@solomoncorp.com | +1 4234530420

PRODUCT	QTY	EACH
REMAN Three Phase Substation Transformer 2000/2300 KVA @ 55° C Rise ONAN/ONAF 2240/2576 KVA @ 65° C Rise ONAN/ONAF HV: 45000 Delta (250 KV BIL) LV: 12470Y/7200 (110 KV BIL) K-1 Harmonics Rating 60 Hz New Copper Continuous Disk Primary & Secondary Windings Mineral Oil Filled Cover Mounted Primary Bushings, ANSI Segment 3 with 1 1/8" Studs w/Spade Connectors Cover Mounted Secondary Bushings, ANSI Segment 1, Studs w/Spade Connectors Liquid Level Gauge Liquid Temperature Gauge w/2 Contacts Pressure Gauge w/Bleeder Valve Substation Class Pressure Relief Cooling Fans & Control Box (3) 600/5 SR Relay Class LV BCT's C400 Acc. Class Drawings & Instruction Manuals HV & LV Arrestor Brackets	1	\$120,164

*Due to the unit requiring "Disk" Windings, the Lead time is 14 Weeks ARO
 Warranty: 3-Years
 FOB: Freight Allowed to AL

REMAN Unit per Quoted Specifications

Destination: AL | **FOB:** Destination | **Shipping & Handling:** Prepaid & Allowed
Shipment: 14 Weeks ARO | **Warranty:** 3 Years | **Terms:** Net 30 with approved credit.

Offer to sell valid for 30 days. Price is subject to re-evaluation after 15 days. Units subject to availability.

All quoted pricing contains a 1.5% transportation & handling surcharge. Please note any changes to the specifications on this quotation form and reference the quotation number on your Purchase Order. Solomon Corporation will use your Purchase Order as order confirmation and proceed with manufacturing. Please note that changes made after the manufacturing process begins may result in additional charges and potential delays in production. Production of units that are contingent on the approval/receipt of drawings will begin the manufacturing process after the final sign off on the specified drawings. Please allow up to 4 weeks for the receipt of requested preliminary, construction, or approval drawings from the signed formal submittal date.

All sales are subject to Solomon Corporation's Standard Terms and Conditions unless otherwise mutually agreed in writing. Acceptance of Buyer purchase order by Seller does not constitute acceptance of order nor Buyer terms and conditions. Supplier

terms will prevail in absentia of Buyer terms and conditions. Price does not include tax. If applicable, tax will be added to the invoice. If order is tax exempt, please provide a copy of your exemption certificate. Payment tendered by credit card will be assessed a 3% convenience fee. Unit(s) quoted are for normal service conditions as defined by ANSI/IEEE Standards. Notify Solomon Corporation at time of quotation should the unit(s) be subject to harmonics, motor starting, shovel duty, or other special service conventions.

RESOLUTION NO. 195-21

Approve Acceptance of American Rescue Plan Act (ARPA) Funds.**RESOLUTION NO. _____****RESOLUTION ACCEPTING AMERICAN RESCUE PLAN ACT FUNDS**

WHEREAS, the American Rescue Plan Act of 2021 (“ARPA”) provided for the distribution to eligible state, local and tribal governments the total sum of \$350 billion; and

WHEREAS, the City of Opelika, Alabama (the “City”) is eligible for funding from the CoronaVirus State and Local Fiscal Recovery Funds of ARPA (“CSLFRF”); and

WHEREAS, the total amount available to the City is the sum of \$6,466,895; and

WHEREAS, the City has received the first tranche in the amount of \$3,233,447.50 and

WHEREAS, the City Council is required to formally accept CSLFRF funds; and

WHEREAS, revenues received under the CSLFRF must only be spent for purposes authorized by the CSLFRF and applicable regulations and by state law; and

WHEREAS, revenues received under the CSLFRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the City must comply with all applicable budgeting, accounting, contracting, reporting and other compliance requirements for CSLFRF funds; and

WHEREAS, the City has until December 31, 2024, to obligate the CSLFRF funds and until December 31, 2026, to expend all of the funds.

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

Alabama, as follows:

1. That the City Council does hereby accept and request CSLFRF funding to be distributed by the United States Department of the Treasury.
2. That the City Council hereby authorizes the Mayor and the Controller (financial officer) to execute any and all applications, notices, certifications agreements, assurances and other instruments necessary to apply for and receive CSLFRF funds and all acts authorized hereunder and performed prior to the date of this resolution are hereby ratified and confirmed.
3. That the City will comply with procedures created by the U.S. Treasury Department and the Alabama Legislature to receive funds under ARPA.
4. That the City will account for CSLFRF funds in a separate fund and not co-mingle it with other funds for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting and other compliance requirements for CSLFRF funds.
5. That the City Council hereby designates and directs the Mayor and the Controller to take all actions necessary on behalf of the City Council to receive the CSLFRF funds.
6. That the Controller is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements prescribed in CSLFRF, and in U.S. Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law.
7. That the Controller is directed to report the financial status of CSLFRF funds to the City Council on a monthly basis.
8. 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. 196-21

Authorize a Professional Services Agreement with L.P. Campbell Co.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH
L.P. CAMPBELL COMPANY**

WHEREAS, the City of Opelika recognizes the value of retaining the service of a professional grant writer to assist the City in securing grant assistance; and

WHEREAS, L.P. Campbell Company is qualified to provide such service.

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

1. That the Mayor is authorized to enter into the Service Agreement with L.P. Campbell Company for a period of one year commencing August 17, 2021 and ending August 16, 2022 at an annual fee of \$ 18,000 to be paid in equal quarterly installments; and
2. That the Mayor is authorized to enter into the Service Agreement with L.P. Campbell Company on behalf of the City of Opelika.

APPROVED AND ADOPTED this ____ day of _____, 2021.

C. E. "Eddie" Smith, Jr

President City Council

Opelika, Alabama

ATTEST:

Russell A. Jones

City Clerk

PROFESSIONAL SERVICE AGREEMENT**BETWEEN****L.P. CAMPBELL COMPANY****AND****CITY OF OPELIKA, ALABAMA**

This Service Agreement is between L.P. Campbell Company (hereinafter referred to as “Consultant”) and the City of Opelika, Alabama (hereinafter referred to as “Client”).

It is understood by the Consultant and the Client, and as consideration for the formation of this agreement that the Client desires assistance in its effort to obtain federal, state, and private funding for local projects and programs; and that the Consultant is capable of providing services which will assist the Client in identifying and securing grant funding federal, state, and private funding for the Client’s local projects and programs.

In further consideration of the mutual promises herein contained it is agreed as follows:

The Service Agreement will become effective and shall remain in effect for twelve months from August 17, 2021 through August 16, 2022.

The Consultant will provide the Client with the following services:

1. Information on federal, state, and private grant and/or local programs as requested by the Client or as deemed appropriate by the Consultant.
2. Preparation of all grant applications as authorized by the Mayor and/or City Council for submission to federal/state agencies.

SERVICE AGREEMENT**Page 2**

3. Site visits by the Consultant for the purpose of developing and/or preparing grant/loan applications.
4. Reports on the status of work being accomplished by the Consultant on behalf of the Client.

It is understood by both parties that in order to undertake the above services that:

The Consultant will receive guidance from and coordinate all grant application activities through the Office of the Opelika City Administrator.

The Client will provide the Consultant with all necessary data and materials requested by the Consultant for preparation of loan and grant applications; and

The Consultant reserves the right to refuse to prepare an application based on an assessment by the Consultant that the project for which the funds are requested is inappropriate or noncompetitive for the program through which the funds are to be requested.

The Client is wholly and completely responsible for the administration of grant programs awarded to the Client unless the Client and the Consultant have entered into a separate contract detailing services to be performed by the Consultant.

In consideration for the services provided by the Consultant, the Client agrees to pay the Consultant an annual non-refundable fee of \$ 18,000 beginning August 17, 2021; to be paid in equal quarterly installment payments of \$ 4,500.

SERVICE AGREEMENT**Page 3**

The undersigned acknowledges, confirms, and certifies that he/she is authorized to enter into this Agreement by and on behalf of L.P. Campbell Company and the City of Opelika, Alabama.

In witness, whereof, we have executed this Agreement effective the 17th day of August, 2021.

L.P. CAMPBELL COMPANY**CITY OF OPELIKA, ALABAMA**

BY: _____

Louise Pryor Campbell
Owner, L.P. Campbell Company

BY: _____

Gary Fuller
Mayor, City of Opelika

DATE: _____

DATE: _____

RESOLUTION NO. 197-21

Employment Contract for Tyler McGill.

RESOLUTION NO. _____

**RESOLUTION APPROVING EMPLOYMENT CONTRACT
WITH TYLER T. MCGILL**

WHEREAS, the City of Opelika, Alabama, (the “City”) requires the services of a Head Swimming Coach; and

WHEREAS, Tyler T. McGill has the necessary education, experience, skills and expertise to serve as Head Swimming Coach; and

WHEREAS, Tyler T. McGill is presently serving the City as Head Swimming Coach and has performed the duties of his job in accordance with the requirements of his contract; and

WHEREAS, the City desires to continue to employ Tyler T. McGill to serve as Head Swimming Coach; and

WHEREAS, the City Council of the City of Opelika desires to renew Tyler T. McGill’s Employment Contract to serve as Head Swimming Coach; and

WHEREAS, the City Council has been furnished an Employment Contract between the City and Tyler T. McGill, and the City Council has determined that the terms of said Contract are acceptable to the City.

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

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

2. That the Mayor is hereby authorized and directed to execute and deliver said Contract in the name of and on behalf of the City of Opelika and the City Clerk is hereby authorized and directed to attest the same.

3. 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

STATE OF ALABAMA)
 :
 COUNTY OF LEE)

EMPLOYMENT CONTRACT

THIS AGREEMENT made and entered into this the ____ day of August, 2021, by and between the **CITY OF OPELIKA, ALABAMA**, a municipal corporation (hereinafter called the “Employer”), as party of the first part, and **TYLER T. MCGILL** (hereinafter called “Employee”), as party of the second part.

RECITALS

WHEREAS, Tyler T. McGill is presently serving the City as Head Swimming Coach and has performed the duties of his job in accordance with the requirements of his contract; and

WHEREAS, Employer desires to continue to employ the services of Tyler T. McGill as Head Swimming Coach of the City of Opelika; and

WHEREAS, it is the desire of the City Council of the City of Opelika (hereinafter called “Council”), to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of Employee and to provide inducement for him to remain in such employment, (2) make possible full work productivity by assuring Employee’s morale and peace of mind with respect to future security, (3) act as a deterrent against misconduct or dishonesty on the part of Employee, and (4) provide a just means for terminating Employee’s services at such time as he may be unable to fully discharge his duties due to disability or when Employer may otherwise desire to terminate his employment.

AGREEMENT

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

SECTION I. DUTIES AND WORKING HOURS.

Employer hereby employs Employee as Head Swimming Coach, and Employee hereby accepts such employment, subject to the terms and conditions set forth herein. As Head Swimming Coach, Employee shall perform such duties and assume such responsibilities as set forth in the job description incorporated herein and attached hereto as Exhibit "A", and any other job responsibilities and duties as may be assigned by the City Administrator. Employee hereby accepts and agrees to such employment, subject to the general supervision and pursuant to the orders, advice and direction of the City Administrator. Employee agrees to adhere to all of the policies, procedures, rules and regulations promulgated by the Employer. These policies, procedures, rules and regulations include, but are not limited to those set forth in the Personnel Policies and Procedures Manual, departmental rules, department operating procedures and executive orders. To the extent that the Employer's policies, procedures, rules and regulations conflict with the terms of this Agreement, the specific terms of this Agreement will control.

Employee shall devote his full energies, interests, abilities and productive time to the performance of this Agreement and utilize his best efforts to promote Employer's interest. Employee's duties may involve expenditures of time in excess of the regularly established work day or in excess of forty (40) hour work week and may also include time outside of normal office hours. Employee's base salary includes compensation for all hours worked and Employee shall be classified as an exempt employee for purposes of overtime and wage and hour laws. Except as provided herein, Employee shall not engage in any activity, consulting service or enterprise for

compensation or otherwise which is actually or potentially in conflict with or inimical to, or which materially interferes with his duties to Employer.

As a condition of employment, Employee agrees to maintain, during the term of this Agreement, his principal residence within the corporate limits of the City of Opelika.

SECTION II. TERM.

Unless sooner terminated in accordance with the provisions of Section III and IV hereof, this Agreement shall remain in full force and effect for a term of three (3) years beginning September 5, 2021, to and including September 4, 2024.

SECTION III. TERMINATION BY EMPLOYER

- (A) DEATH OF EMPLOYEE. If Employee dies before his employment is otherwise terminated, this Contract shall terminate on the date of the Employee's death and all payments of compensation to which the Employee would have been entitled shall cease as of the date of the Employee's death.
- (B) ILLNESS OR INCAPACITY. If the Employee is prevented from performing his duties due to illness or incapacity for an aggregate of sixty (60) days in any one year during the term of this Contract, the Employer is hereby given the option to terminate this Contract. Such option shall be exercised by the Employer giving written notice to the Employee of the Employer's intention to terminate said Contract. On the giving of such notice, this Contract shall terminate 30 days after the date of said notice of termination. Upon the effective date of termination, neither party shall have any further obligation to the other. Notwithstanding the provisions of this paragraph, the Employee shall be afforded the same rights and privileges, as any other employee of the City to participate in any group disability

insurance policy or other disability plan of the City which may be now in effect or may be hereinafter adopted.

(C) MISCONDUCT. This Contract may, at the option of Employer, be terminated immediately by Employer upon the occurrence of any of the following acts:

- (1) The Employee being indicted or convicted for any misdemeanor involving moral turpitude, or a felony.
- (2) The Employee conducting himself in a fraudulent or dishonest manner with respect to his duties of employment if, in the opinion of the City Administrator that such conduct discredits Employer or is detrimental to the reputation and standing of Employer. Such option shall be exercised by the Employer giving written notice to Employee of the Employer's intent to terminate and the grounds for such termination.
- (3) Employee having been disciplined by the Employer repeatedly and/or having serious unacceptable conduct in accordance with the provisions of Section 8 of the Personnel Policies and Procedures Manual of the City of Opelika. Employee shall comply with all policies and procedures of Employer which shall, from time to time, be reasonably promulgated.

SECTION IV. TERMINATION BY EMPLOYEE

Employee may voluntarily resign his position with Employer before the expiration of the term of his employment, by giving sixty (60) days advance notice of his intent to terminate.

Upon termination by voluntary resignation, neither party shall have any further obligation to the other beyond the effective date of termination.

SECTION V. SALARY REIMBURSEMENTS AND EMPLOYER COST

(a) Base Salary. The Employer shall pay the Employee, as compensation for his services, an annual base salary of \$50,000.00 payable in installments at the same time as classified employees of the City are paid. All compensation paid to Employee by Employer shall be subject to customary withholding and employment taxes as required by law. Beginning fiscal year 2022-2023, the Employee shall be eligible for merit increases on an annual basis from 1% to 10% per year based on his job performance. All merit increases shall be awarded at the discretion of the Mayor and will become effective on or about the anniversary date of his contract.

(b) Commissions. In addition to the base salary noted above, the Employee shall receive the following additional compensation:

- (i) Thirty percent (30%) of all fees, dues, and income received from the City's Learn to Swim Program;
- (ii) Seventy-five percent (75%) of all fees, dues and income received from private competitive swim lessons;
- (iii) Thirty (30%) of all fees, dues and income received from team and lesson programs.

(c) Travel Expenses. Employer shall reimburse Employee for all reasonable expenses incurred in travel for Employer, including attending education and personal development courses upon presentation of appropriate expense reports.

SECTION VI. EMPLOYEE BENEFITS

During each twelve (12) month period of the term of this Agreement, Employee shall be entitled to ten (10) paid days of vacation. Except for vacation leave, this Agreement shall not be in lieu of all employee benefits to which Employee may be entitled as an employee of the City

relating to holidays, sick leave, retirement, insurance, medical and life, or other plans which may now be in effect or which may hereafter be adopted. Employee shall have the same rights and privileges to participate in such plans and benefits as any other employee during his period of employment. The Employer's rights with respect to such benefits shall be subject to (i) the provisions of the relevant contracts, policies or plans providing such benefits, and (ii) the right of the Employer to amend, modify, or terminate any of such benefits if that occurs with respect to all classes of employees covered by a given benefit.

SECTION VII. WORKING FACILITIES.

The Employee shall have a private office, administrative assistance and other facilities, equipment, and services that are suitable to his position and appropriate for the performance of his duties including, but not limited to, a cell phone and computer.

SECTION VIII. EXTENT OF SERVICES.

The Employee agrees that he will at all times faithfully, industriously and to the best of his ability, experience, and talents, perform all of the duties that may be required of and from his pursuant to the express and implicit terms of this Agreement and shall assume and perform all additional responsibilities and duties related to his job description that the City Administrator from time to time may assign him. With approval of the City Administrator, the Employee shall be permitted to enroll in professional development courses to enhance the performance of his job during normal business hours.

SECTION IX. COACHING CLINICS AND PERSONAL DEVELOPMENT COURSES.

Employee shall be permitted to conduct approximately five (5) out-of-town swimming skill clinics for not more than ten (10) working days per calendar year. The Employer or his host shall pay all travel expenses incurred to conduct said clinics. The Employee may retain all fees,

commissions and income received from the hosts and attendees of said out-of-town clinics. His base salary shall not be reduced while attending said clinics.

The Employer agrees to budget for and to pay travel and other expenses of Employee to attend approximately two (2) education conferences and/or professional development courses each year as approved by the City Administrator.

SECTION X. ALLOCATION OF FEES, DUES AND INCOME.

The Employer and Employee agree to the allocation of all swimming fees, dues and income as follows:

- (a) Concerning Parks and Recreation team and lesson programs:
 - (i) Seventy percent (70%) to Parks and Recreation Department, and
 - (ii) Thirty percent (30%) to Employee.
- (b) Concerning Parks and Recreation Department Learn-to-Swim Program:
 - (i) Thirty-five percent (35%) to Opelika USA Club (“USA”);
 - (ii) Thirty-five percent (35%) to Parks and Recreation Department; and
 - (iii) Thirty percent (30%) to Employee.
- (c) Concerning private competitive swim lessons:
 - (i) Twenty-five percent (25%) to USA, and
 - (ii) Seventy-five percent (75%) to Employee.

Employer shall provide all accounting and administrative services for said swim programs.

SECTION XI. ANNUAL EVALUATION.

Annually, the City Administrator, in consultation with the Employee, shall define such goals and performance objectives as he determines necessary for the proper operation of the Parks and Recreation Department. The City Administrator shall identify obtainable goals within

the time limitations as specified in the annual operating and capital budgets and appropriations provided. Moreover, the City Administrator shall review and evaluate the performance of the Employee at least once annually. Said evaluation and review shall be in accordance with the established rules and regulations of the Personnel Policies and Procedures Manual. Further, the City Administrator shall provide the Employee with an adequate opportunity for the Employee to discuss his evaluation with the City Administrator.

SECTION XII. RESIDENCY.

As a condition of employment, Employee must be a resident of Opelika. The Employee shall have a reasonable period to sell his residence outside the City and move into the City.

SECTION XIII. OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

The City Administrator, in consultation with Employee, shall fix any other terms and conditions of employment as he may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with the provisions of this Agreement, the Employee's job description or any other law.

SECTION XIV. NO REDUCTION OF BENEFITS.

The Employer shall not at any time during the term of this Agreement reduce the salary, compensation, or other financial benefits of Employee, except to the degree as such a reduction across-the-board for all employees of the Employer. Notwithstanding anything to the contrary the Employee's rights with respect to compensation and benefits shall be subject to the provisions of Sections V and VI herein, and his rights to salary compensation and other financial benefits may be terminated in accordance with said provisions of this Agreement.

SECTION XV. SEVERABILITY.

If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement and all other terms shall be valid and enforceable to the fullest extent permitted by law.

SECTION XVI. NO ASSIGNMENT.

No assignment of this Agreement or the rights and obligations hereunder shall be valid without the specific written consent of both parties hereto.

SECTION XVII. GOVERNING LAW.

This Agreement has been executed and delivered in, and shall be interpreted, construed and enforced pursuant to and in accordance with the laws of the State of Alabama.

SECTION XVIII. GENDER AND NUMBER.

Whenever the context is hereof required, the gender of all words shall include the masculine, feminine and neuter, and the number of all words shall include singular and plural.

SECTION XIX. AMENDMENTS AND CONTRACT EXECUTION

This Agreement and amendments thereto shall be in writing and executed in multiple copies. Each multiple copy shall be deemed an original, but all multiple copies together shall constitute one and the same instrument.

SECTION XX. NOTICES.

Any notice, demand, or communication required, permitted, or desired to be given hereunder shall be deemed effectively given when personally delivered or mailed by prepaid, certified mail, return receipt requested, addressed as follows:

Employee: Tyler T. McGill

Employer: City of Opelika
P.O. Box 390
Opelika, AL 36803-0390
ATTN: Mayor

SECTION XXI. WAIVER OF BREACH.

The waiver of either party of a breach or violation of any provision of this Contract shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provision hereof.

SECTION XXII. TIME OF ESSENCE.

Time shall be of the essence with respect to this Contract.

SECTION XXIII. ENTIRE CONTRACT.

This Contract (including attachments) supersedes all previous contracts and constitutes the entire Contract between the parties hereto.

SECTION XXIV. HEADINGS.

Headings in this Contract are for convenience only and shall not be used to interpret or construe its provisions.

SECTION XXV. NEGOTIATION OF COMPENSATION.

Based on the growth and needs of the swimming program, the Employer and Employee agree for the term hereof on or before each anniversary date to negotiate diligently and in good faith the salary and compensation of the Employee as set forth in Section V. The obligation to negotiate in good faith requires the respective parties to communicate with each other with respect to the issue of compensation, including meetings, telephone conversations and correspondence. The parties understand that a final accord may not be reached, in which case the salary and compensation levels in Section V, as adjusted for merit increases, shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Opelika has caused this Contract to be signed and executed in its behalf by its Mayor, and duly attested by its City Clerk, and the Employee has signed and executed this Contract the day and year first above written.

THE CITY OF OPELIKA, ALABAMA

By: _____
GARY FULLER, ITS MAYOR

ATTEST:

RUSSELL A. JONES, CITY CLERK

TYLER T. McGILL

STATE OF ALABAMA
COUNTY OF LEE

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

GIVEN under my hand and official seal of office this the _____ day of _____, 2021.

NOTARY PUBLIC
MY COMMISSION EXPIRES:_____

Attachment: Employment Contract Tyler McGill 081121 (197-21 : Employment Contract for Tyler McGill.)

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority, a Notary Public in and for said county and state, hereby certify that TYLER T. MCGILL, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office this the _____ day of _____, 2021.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

Attachment: Employment Contract Tyler McGill 081121 (197-21 : Employment Contract for Tyler McGill.)

RESOLUTION NO. 198-21

Vacate Right-Of-Way - North Portion of Unnamed Street in Fox Run Industrial Park.

RESOLUTION NO. _____

**RESOLUTION APPROVING THE VACATION OF A PORTION OF
UNNAMED STREET LYING BETWEEN LOTS 5, 6 AND 8A OF
FOX RUN INDUSTRIAL PARK, FIRST ADDITION**

WHEREAS, Opelika Industrial Development Authority (“OIDA”), a public corporation, is the owner of 5, 6 and 8A of a plat entitled “Revision of Lots 3,4, 8, 9, 10, 11, 12, 13, 14, 15 & 18, a re-subdivision of Lots 4 and 7 of Fox Run Industrial Park, First Revision First Addition”, a copy of which Subdivision appears of record in Plat Book 20 at Page 89 in the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a Petition to vacate a portion of said Lots 5, 6 and 8A, duly executed by OIDA, as the abutting property owner, has been presented to the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”), a municipal corporation, for the assent and approval of the governing body, said Petition with map attached being hereto affixed, marked Exhibit “A” and made a part hereof; and

WHEREAS, the Petition is filed in accordance with the provisions of §23-4-20, *Code of Alabama*, 1975, which provides that any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated; and

WHEREAS, that portion of the street to be vacated is more particularly described as follows:

LOTS 8A AND 9A, ACCORDING TO THE PLAT OF REVISION OF LOTS 3, 4, 8, 9, 10, 11, 12, 13, 14, 15 & 18 A RE-SUBDIVISION OF LOTS 4 & 7 FOXRUN INDUSTRIAL PARK, FIRST ADDITION, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF LEE COUNTY, ALABAMA IN PLAT BOOK 20, PAGE 89. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 1/2" REBAR (CAPPED "15722") FOUND AT THE SW CORNER OF LOT 8A OF SAID PLAT, SAID REBAR ALSO LYING ON THE EAST RIGHT OF WAY LINE OF AN UNNAMED ROAD (60 FEET IN-WIDTH RIGHT OF WAY); THENCE RUN NORTHERLY AND NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1.) N00°05'40"W, A DISTANCE OF 205.58 FEET TO A 1/2" REBAR (CAPPED "15722") FOUND; 2.) ALONG A CURVE TO THE RIGHT (RADIUS= 150.00 FEET) A CHORD BEARING AND DISTANCE OF N28°34'21"E, 143.76 FEET TO A 1/2" REBAR (CAPPED "15722") FOUND; 3.) N57°12'47"E, A DISTANCE OF 160.39 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND AT THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF FOX RUN PARKWAY (U.S. HIGHWAY 431) (ALABAMA DEPARTMENT OF TRANSPORTATION PROJECT NO. OLB-041-000-001) (RIGHT OF WAY WIDTH VARIES); THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1.) S32°49'21"E, A DISTANCE OF 171.84 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND AT A RIGHT OF WAY FLARE; 2.) S44°08'51"E, ALONG SAID FLARE, A DISTANCE OF 101.65 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND; 3.) S32°48'55"E, A DISTANCE OF 388.00 FEET TO A 1/2" REBAR FOUND AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF GREATER PEACE DRIVE (60 FEET IN-WIDTH RIGHT OF WAY); THENCE RUN S57°12'45"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 262.95 FEET TO A 1/2" REBAR FOUND; THENCE RUN SOUTHWESTER ALONG SAID RIGHT OF WAY LINE AND A CURVE TO THE RIGHT (RADIUS= 270.00 FEET) A CHORD BEARING AND DISTANCE OF S62°25'37"W, A DISTANCE OF 47.92 FEET TO A 1/2" REBAR (CAPPED "11282") FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE RUN N31°32'31"W, A DISTANCE OF 339.52 FEET TO A 1/2" REBAR FOUND; THENCE RUN S89°58'51"W, A DISTANCE OF 136.31 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T19N, R27E, LEE COUNTY, ALABAMA, AND

CONTAINS 4.79 ACRES, MORE OR LESS.

Being further described according to and as shown by that certain survey or drawing attached hereto and marked Exhibit “B”.

WHEREAS, said portion of said unnamed street has never, in fact, been opened or used by anyone as a public street; and

WHEREAS, the Petition for Vacation states that no property owners will be deprived of any right they may have to convenient and reasonable means of ingress and egress to and from their property as a result of the requested vacation; and

WHEREAS, a public hearing was conducted by the City Council on the 17th day of August, 2021, at which all persons were given the opportunity to be heard in favor of or in opposition to the proposed right-of-way vacation; and

WHEREAS, public notice of the public hearing was provided in accordance with §23-4-2, *Code of Alabama*, 1975; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate the portion of said unnamed street as described in the attached Petition for Vacation and the right-of-way should be returned to the abutting property owner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika that the vacation of said portion of the above-described street is assented to and approved and the same is hereby vacated pursuant to the provisions of Section 23-4-20, et.seq. of the *Code of Alabama*, and also pursuant to said *Code* in §35-2-54.

BE IT FURTHER RESOLVED that the City of Opelika, Alabama, a municipal

corporation, remise, release and quitclaim unto OIDA, whatever right, title and interest the said City of Opelika, Alabama, may have acquired in and to the above described portion of said unnamed street by virtue of the dedication or vacation of said roadway or otherwise

BE IT FURTHER RESOLVED that Gary Fuller, the Mayor of the City of Opelika, Alabama, a municipal corporation, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to execute a quitclaim deed to OIDA for the purpose of carrying out the intent and intention of this Resolution and that Russell A. Jones, City Clerk, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to attest the same.

BE IT FURTHER RESOLVED that the City Clerk will cause a copy of this Resolution to be filed in the Probate Office of Lee County, Alabama, and shall further cause a copy of this Resolution to be published once in a newspaper of general circulation in Lee County, Alabama, no less than fourteen (14) days after its adoption.

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

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

ATTEST:

CITY CLERK

**PETITION TO VACATE A PORTION OF UNNAMED STREET LYING BETWEEN
LOTS 5, 6 AND 8A OF FOX RUN INDUSTRIAL PARK, FIRST ADDITION**

STATE OF ALABAMA
COUNTY OF LEE

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF THE CITY OF OPELIKA

COMES NOW OPELIKA INDUSTRIAL AUTHORITY, a public corporation organized and existing under the laws of the State of Alabama (hereinafter referred to as the "Petitioner") and represents as follows:

1. The Petitioner is the owner of all of the property abutting upon a portion of an unnamed street lying between lots 5, 6 and 8A of a plat entitled "Revision of Lots 3,4, 8, 9, 10, 11, 12, 13, 14, 15 & 18, a re-subdivision of Lots 4 and 7 of Fox Run Industrial Park, First Revision First Addition, according to and as shown on the plat of said Subdivision of record in Plat Book 20 at Page 89 in the Office of the Judge of Probate of Lee County, Alabama, said unnamed street being more particularly described as follows, to wit:

LOTS 8A AND 9A, ACCORDING TO THE PLAT OF REVISION OF LOTS 3, 4, 8, 9, 10, 11, 12, 13, 14, 15 & 18 A RE-SUBDIVISION OF LOTS 4 & 7 FOXRUN INDUSTRIAL PARK, FIRST ADDITION, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF LEE COUNTY, ALABAMA IN PLAT BOOK 20, PAGE 89. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 1/2" REBAR (CAPPED "15722") FOUND AT THE SW CORNER OF LOT 8A OF SAID PLAT, SAID REBAR ALSO LYING ON THE EAST RIGHT OF WAY LINE OF AN UNNAMED ROAD (60 FEET IN-WIDTH RIGHT OF WAY); THENCE RUN NORTHERLY AND NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1.) N00°05'40"W, A DISTANCE OF 205.58 FEET TO A 1/2" REBAR (CAPPED "15722") FOUND; 2.) ALONG A CURVE TO THE RIGHT (RADIUS= 150.00 FEET) A CHORD BEARING AND DISTANCE OF N28°34'21"E, 143.76 FEET TO A 1/2" REBAR (CAPPED "15722") FOUND; 3.) N57°12'47"E, A DISTANCE OF 160.39 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND AT THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF FOX RUN PARKWAY (U.S. HIGHWAY 431) (ALABAMA DEPARTMENT OF TRANSPORTATION PROJECT NO. OLB-041-000-001) (RIGHT OF WAY

WIDTH VARIES); THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: 1.) S32°49'21"E, A DISTANCE OF 171.84 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND AT A RIGHT OF WAY FLARE; 2.) S44°08'51"E, ALONG SAID FLARE, A DISTANCE OF 101.65 FEET TO A 6" x 6" CONCRETE MONUMENT FOUND; 3.) S32°48'55"E, A DISTANCE OF 388.00 FEET TO A 1/2" REBAR FOUND AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF GREATER PEACE DRIVE (60 FEET IN-WIDTH RIGHT OF WAY); THENCE RUN S57°12'45"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 262.95 FEET TO A 1/2" REBAR FOUND; THENCE RUN SOUTHWESTER ALONG SAID RIGHT OF WAY LINE AND A CURVE TO THE RIGHT (RADIUS= 270.00 FEET) A CHORD BEARING AND DISTANCE OF S62°25'37"W, A DISTANCE OF 47.92 FEET TO A 1/2" REBAR (CAPPED "11282") FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE RUN N31°32'31"W, A DISTANCE OF 339.52 FEET TO A 1/2" REBAR FOUND; THENCE RUN S89°58'51"W, A DISTANCE OF 136.31 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T19N, R27E, LEE COUNTY, ALABAMA, AND CONTAINS 4.79 ACRES, MORE OR LESS.

Being further described according to and as shown by that certain survey or drawing attached hereto and marked Exhibit "A".

2. The Petitioner hereby certifies that said unnamed street has not actually been opened up or used as a right-of-way by anyone for access to and from the above-described lots or through said street, said street never having been used as a public street or roadway.
3. The Petitioner hereby certifies that convenient and reasonable means of ingress and egress is afforded to all other property owners owning property in the area.
4. The Petitioner desires to vacate the above-described portion of said unnamed street so as to destroy the force and effect of any dedication of the same and have divested therefrom all public rights therein.
5. The Petitioner requests that the portion of said unnamed street to be vacated shall constitute the property of Opelika Industrial Development Authority.

6. This declaration of vacation is executed by the Petitioner in accordance with the provisions of §35-2-54, *Code of Alabama*, 1975, and also pursuant to said Code in §23-4-20.

NOW, THEREFORE, in consideration of the premises, the Petitioner hereby requests that Your Honors assent to, approve, ratify and confirm, the vacation of the above-described portion of unnamed street, the annulment of any dedication thereof, and the divestment of all public rights therein, and that the City of Opelika, through its duly elected officials, adopt such appropriate Resolution and authorize the execution of such appropriate instrument as may be meet and proper to effect the vacation of said portion of said unnamed street in order to divest the public of all rights to use the same and convey to the Petitioner whatever right, title and interest which the City has or may have in and to the above described portion of said unnamed street, subject to all existing easements for public utilities.

IN WITNESS WHEREOF, the Petitioner has hereunto set her hand and seal on this the _____ day of _____, 2021.

OPELIKA INDUSTRIAL
DEVELOPMENT AUTHORITY

By: _____
RONALD P. WILSON
ITS CHAIRMAN

SEAL

ATTEST:

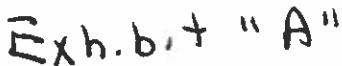
LORI HUGULEY,
SECRETARY

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that RONALD P. WILSON and LORI HUGULEY, whose names as Chairman and Secretary respectively, of Opelika Industrial Development Authority, are signed to the foregoing instrument, and who are known to me, acknowledged before me this day, that, being informed of the contents of said instrument they, in such capacity and as such officers of said Opelika Industrial Authority and with full authority, executed the same voluntarily as the act of said Opelika Industrial Authority on the day the same bears date.

GIVEN under my hand and official seal of office this the ____ day of June, 2021.

NOTARY PUBLIC
MY COMMISSION EXPIRES:_____



RESOLUTION NO. 199-21

Weed Abatement Assessment - 1733 1st Ave.

RESOLUTION NO. _____

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

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1733 1st Ave., parcel no. 073.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 1733 1st Ave., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$ 177.92 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1733 1st Ave., parcel no. 073.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-06-13-2-000-073.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: State of Alabama *2011*
PO Box 327210
Montgomery, AL 36132

Property Address: 1733 1st Ave, Opelika

Parcel # 43-09-06-13-2-000-073.000

On 6/28/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 176.90

Certified Mail: _____

Regular Mail: \$ 1.02

Total: \$ 177.92

Attachment: 1733 1ST AVE, WEED ABATEMENT INVOICE NOTICE (199-21 : Weed Abatement Assessment - 1733 1st Ave.)



RESOLUTION NO. 200-21

Weed Abatement Assessment - 308 Brannon Ave.

RESOLUTION NO. _____

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

=====

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

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

WHEREAS, the 17th day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$ 222.27 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 308 Brannon Ave, parcel no. 072.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-08-2-001-072.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Alabama State of *2009*
c/o Department of Revenue
PO Box 327210
Montgomery, AL 36132

Property Address: 308 Brannon Ave, Opelika

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

On 6/28/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 221.25

Certified Mail: _____

Regular Mail: \$ 1.02

Total: \$ 222.27

Attachment: 308 BRANNON AVE WEED ABATEMENT INVOICE NOTICE (200-21 : Weed Abatement Assessment - 308 Brannon Ave.)



RESOLUTION NO. 201-21

Weed Abatement Assessment - 120 Chester Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
120 Chester Ave Parcel No. 058.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 120 Chester Ave, parcel no.058.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 120 Chester Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$ 163.30 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 120 Chester Ave, parcel no. 058.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-05-3-000-058.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Rachel W. Dean & Tiffany W.
PO Box 1009
Auburn, AL 36831

Property Address: 120 Chester Ave, Opelika

Parcel # 43-10-03-05-3-000-058.000

On 7/6/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/29/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 149.38

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 163.30

Attachment: 120 CHESTER AVE WEED ABATEMENT INVOICE NOTICE (201-21 : Weed Abatement Assessment - 120 Chester Ave.)



RESOLUTION NO. 202-21

Weed Abatement Assessment - 55 N. Uniroyal Rd.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
55 N. Uniroyal Rd., Parcel No. 001.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 55 N. Uniroyal Rd, parcel no.001.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 55 N. Uniroyal Rd, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$ 1,048.52 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 55 N. Uniroyal Rd, Parcel no. 001.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-05-16-1-000-001.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Mahavirji LLC
1800 St. Andrews Way
Phenix City, AL 36867

Property Address: 55 N. Uniroyal Rd, Opelika AL

Parcel # 43-10-05-16-1-000-001.000

On 7/2/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement:	<u>\$ 1,034.62</u>
Certified Mail:	<u>\$ 13.92</u>
Regular Mail:	<u> </u>
Total:	<u>\$ 1,048.52</u>

Attachment: 55 N. UNIROYAL RD WEED ABATEMENT INVOICE NOTICE (202-21 : Weed Abatement Assessment - 55 N. Uniroyal Rd.)



RESOLUTION NO. 203-21

Weed Abatement Assessment - 310 Pleasant Dr.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
310 Pleasant Dr, Parcel No. 020.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 310 Pleasant Dr., parcel no. 020.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 310 Pleasant Dr., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$ 205.96 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 310 Pleasant Dr., parcel no. 020.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-06-13-2-000-020.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

To: Nancy Leah Kendrick Brantley
1814 Briarwood Lane
Opelika, AL 36801

Property Address: 310 Pleasant Drive

Parcel # 43-09-06-13-2-000-020.000

On 7/8/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/29/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 192.04

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 205.96

Attachment: 310 PLEASANT DR WEED ABATEMENT INVOICE NOTICE (203-21 : Weed Abatement Assessment - 310 Pleasant Dr.)



RESOLUTION NO. 204-21

Weed Abatement Assessment - 810 Williamson Ave.

RESOLUTION NO. _____

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

=====

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

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

WHEREAS, the 17th day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

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

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$ 163.92 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 810 Williamson Ave., parcel no. 007.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-04-19-2-000-007.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

(p) 334-705-5160 or 334-705-5162

WEED ABATEMENT INVOICE

Date: August 9, 2021

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

Property Address: 810 Williamson Ave, Opelika

Parcel # 43-10-04-19-2-000-007.000

On 6/27/2021, in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation on 7/26/2021. Below is a list of charges incurred as part of the weed abatement.

Payments can be mailed, made in person, or paid online. If you are paying online, please contact the Revenue Department for instructions. If payment is not received within 5 days after the public hearing, the Revenue Officer will deliver a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the Lee County Revenue Commissioner. Upon a filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax and remit the amount to the city.

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

Cost of Abatement: \$ 150.00

Certified Mail: \$ 13.92

Regular Mail: _____

Total: \$ 163.92



RESOLUTION NO. 205-21

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

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

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

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

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

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

George Allen	Ward 1	Current year acct.	\$1,000.00
Erica Norris	Ward 2	Reserve fund.	\$803.00
Erica Norris	Ward 2	Current year acct.	\$197.00
Robert Lofton	Ward 3	Current year acct.	\$1,000.00
Eddie Smith	Ward 4	Reserve fund.	\$1,000.00
Todd Rauch	Ward 5	Reserve fund.	\$1,000.00

3. That the City Council hereby declares and determines that the expenditure of these public funds will serve a public purpose for the City of Opelika.
4. The Mayor and the Controller is hereby authorized and directed to make a budget adjustment for \$5,000.00 from the various accounts/funds as detailed

in No. 2. above to the appropriate account(s).

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

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

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

Attest:

Russell A. Jones
City Clerk

ORDINANCE NO. (ID # 4782)

Adopting a Registration and Inspection Program for Residential Rental Properties - 2nd Reading
- TABLED.

ORDINANCE NO. _____

**ORDINANCE ADOPTING A REGISTRATION AND INSPECTION
PROGRAM FOR RESIDENTIAL PROPERTIES BEING RENTED
WITHIN THE CITY OF OPELIKA, ALABAMA**

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

Section 1. That Chapter 12 of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended by adding an article to be numbered IV, which said article shall read as follows:

ARTICLE IV

RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION

Sec. 12-40. Title.

This article shall be known as the Residential Rental Property Registration and Inspection Code of the City of Opelika.

Sec. 12-41. Legislative Findings.

The City of Opelika does hereby find and declare that:

(a) The Alabama Uniform Residential Landlord and Tenant Act, Act No. 2006-316, codified as Sections 35-9A-101 et seq, 1975 *Code of Alabama*, became effective on January 1, 2007;

- (b) Sections 35-9A-102(b) states that one of the purposes of the Act is to encourage landlords and tenants to maintain and improve the quality of housing;
- (c) Sections 11-40-10(b) authorizes a municipality to enforce police or sanitary regulations within the city limits and to prescribe fines and penalties for violations of the regulations;
- (d) Section 11-45-8(c) authorizes a municipality to adopt ordinances, rules and regulations as a code for the construction, erection, alteration or improvement of buildings, the installation of plumbing or plumbing fixtures, installation of gas or gas fixtures, fire prevention, health and sanitation, mechanical, housing, elimination and repair of unsafe buildings and other like codes;
- (e) Section 35-9A-204(a)(1) requires a landlord to comply with the requirements of applicable building and housing codes materially affecting health and safety;
- (f) Section 35-9A-301(1) requires a tenant to comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;
- (g) Pursuant to Section 11-45-1, a municipality is authorized to adopt ordinances not inconsistent with the laws of the state to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the inhabitants of the municipality;
- (h) In Opinion No. 207-009, dated October 31, 2006, the Attorney General issued an opinion to Mayor Ronald K. Davis of the City of Pritchard that a municipality has the authority to adopt an ordinance (1) requiring the annual inspection of apartments and rental houses to ensure compliance with the local building code, (2) charging a reasonable fee to defray the expense of performing the inspections, and (3) charging a reasonable fine or revoking the certificate of occupancy of any apartment or rental house failing to comply with the local building code;
- (i) There is a need to protect the public health, safety, and welfare of the occupants of residential rental dwelling units in the City of Opelika;

(j) The City Council of the City of Opelika (the “City”) recognizes that the preservation of existing rental housing stock is of tremendous importance. There are more than 4,500 of rental housing units within the City. Rental housing provides needed, affordable housing for many and is a valuable asset that must be preserved and maintained. The City has a significant interest in ensuring that rental housing remains a safe and desirable housing option for its citizens.

(k) There exists in the City substandard and unsanitary residential buildings and rental housing units whose conditions violate state and local building, housing, and safety Codes and ordinances. Property owners may be unaware of some hazardous conditions or may choose not to make the necessary repairs due to costs.

(l) Substandard and deficient rental housing units are unfit or unsafe for human occupancy and their conditions jeopardize the health, safety, and welfare of their occupants and of the public. Substandard housing conditions pose a particularly acute risk to young children (from lead poisoning or asthma attacks from mold and other air-borne irritants), seniors (from falls), and people with chronic illnesses.

(m) Relying on a complaint-based enforcement program is inadequate to ensure that rental housing properties are safely and adequately maintained. Inspection authorities often do not receive complaints about rental units with the worst violations of health and safety codes. Tenants may fear being evicted or that their rent will be raised for reporting violations or may face language or education barriers preventing them from using complaint-based programs.

(n) Deteriorating and substandard buildings and dwelling units also threaten the physical, social, and economic stability of neighboring structures and surrounding neighborhoods and the community as a whole. By ensuring that landlords are aware of poor conditions before they worsen, proactive inspections encourage preventative maintenance, which is more cost effective than deferred maintenance, and thereby helps landlords to maintain their properties. Proactive rental inspection programs can ensure that properties don’t become blighted, thereby preserving neighboring property values and the local tax base.

(o) Public interest demands that all rental housing properties comply with the minimum standards regarding the health and safety of the public. The most effective way to seek universal compliance with the minimum standards is through routine, periodic inspections of all rental housing properties.

(p) Residential rental dwelling units are in need of inspection by the Building Official to prevent deterioration and to maintain safe, decent, and sanitary living conditions for the tenants of such units.

The City of Opelika now seeks to adopt regulations of the type approved by the Attorney General to provide for the safety and preserve the health of persons residing in rental housing.

Sec. 12-42. Purpose.

The purpose of this article is to ensure that rental housing in the City is maintained in a good, safe and sanitary condition and does not create a nuisance or blighted condition to its surroundings; to protect the character and stability of residential areas; to identify the existence of substandard residential rental properties; to correct and prevent housing conditions that adversely affect the safety, general welfare and health of the residents; to preserve the value of land and structures throughout the City of Opelika; to provide certain minimum housing standards necessary to the health and safety of residents; and to enhance the quality of life of residents of the City living in residential rental units. With respect to rental disputes, it is not the intent of the City of Opelika to intrude upon contractual relationships between tenant and landlord. The City of Opelika does not intend to intervene as an advocate for either party, nor to be receptive to complaints between tenants and landlords which are not specifically and clearly relevant to the provisions of this article. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal remedies as are available to them without the intervention of the City of Opelika.

Sec. 12-43. Definitions.

For the purposes of this ordinance, the following words and phrases shall have the following meanings:

(a) “Building Official” is the chief building inspector of the building inspection division or his or her designee.

(b) “City” means the City of Opelika, Alabama.

(c) “Factory built housing” means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. Factory built housing includes modular homes, manufactured homes, mobile homes and house trailers.

(d) “Property Maintenance Code” means the International Property Maintenance Code adopted under and pursuant to Section 5-207 of the *Code of Ordinances* of the City of Opelika.

(e) “Property Owner” means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. If more than one person or entity owns the subject real property, “Property Owner” refers to each person or entity holding any portion of the fee interest in the property, and the Property Owners’ obligations in this article are joint and several as to each property owner.

(f) “Rental Occupancy Certificate” means a document issued by the Building Official indicating that the residential rental dwelling unit is in compliance with the Property Maintenance Code.

(g) “Residential Rental Property” means a structure or part of a structure, including factory-built housing structures, with one or more residential units which are leased for occupancy. However, it does not include the property excluded in Section 12-44. Residential rental property includes the following: single-family dwellings, duplexes, apartments, townhouses, condominiums and factory-built housing structures.

(h) “Residential Rental Dwelling Unit” means one (1) or more rooms in a structure designed and used as a residence or living quarters by one (1) or more persons who are not its owners and contained within a residential rental property as defined herein. It is a housing unit that is or may be available for rent or is occupied or rented by a tenant or subtenant in exchange for any form of consideration. However, it does not include the property excluded in Section 12-44.

(i) “Shelter” means a facility with overnight sleeping accommodations, owned, operated, or managed by a non-profit organization or governmental entity, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

(j) “Unit unavailable for rent” means any residential dwelling unit that is not offered or available for rent as a rental unit and where prior to offering or making the unit available as a rental housing unit, the owner is required to register the rental property and comply with all rules adopted under this article.

(k) “Vacant” means a residential dwelling unit that is unoccupied or illegally occupied.

Sec. 12-44. Scope.

This article shall apply to all residential rental dwelling units located within the City of Opelika and all accessory uses thereon, including parking lots, driveways, landscaping, accessory structures, fences, walls, interior and exterior common areas. This article shall not apply to:

- (a) Housing accommodations in hotels, motels, inns, or tourist homes.
- (b) Housing accommodations in hospitals, state licensed group homes, any facilities occupied exclusively by members of a religious order; licensed nursing homes, licensed extended medical care facilities; licensed assisted living facilities, asylums or on-campus housing accommodations owned, operated or managed by an institution of higher education.
- (c) Owner or manager occupied rental units.
- (d) Rental units that are owned, operated or managed by a governmental agency other than the City or which are exempt from municipal regulation pursuant to state or federal law or regulations, but only so long as such government ownership, operations or management or exemption from municipal regulation continues in effect.
- (e) Public Housing Units owned or administered by the Housing Authority of the City of Opelika.
- (f) Section 8 rental units whose vouchers are administered by the Housing Authority of the City of Opelika.

- (g) Owner occupied condominium and townhouse units.
- (h) Emergency or temporary shelter or transitional housing accommodations.
- (i) Units unavailable for rent.

Sec. 12-45. Registration of Residential Rental Property.

- (a) After January 1, 2022, it shall be unlawful for any owner, as defined herein, to lease or operate a residential rental property without registering it with the City and complying with the provisions of this article. All existing residential rental units must be registered with the City on or before January 1, 2022, but not before October 1, 2021. The registration of residential rental properties required herein shall expire on the 31st day of December of each year thereafter.
- (b) After January 1, 2022, a newly constructed or converted residential rental property shall be registered with the City and a rental occupancy certificate obtained before said property is occupied.

Sec. 12-46. Application Requirements.

Applications for registration shall be filed with the building inspection department and accompanied by a registration fee as established in Sec. 12-49. Such application shall include the following information:

- (a) Name, street address and telephone number of the owner of the rental unit.
- (b) Name, street address and telephone number of the owner's agent responsible for the management of the premises of the rental unit.
- (c) Legal address of the rental unit.

- (d) Number of units in each building within the rental property.
- (e) Description of rental unit (i.e.) house, condominium, townhouse, apartment, manufactured home, mobile home, etc.
- (f) Signed statement of owner and owner's agent indicating that he/she is aware of the City's Property Maintenance Code and the legal ramifications for knowingly violating said Code.
- (g) The name and address of the registered agent, if the owner is a corporation.
- (h) Number of rental units, if property is an apartment complex or multi-unit facility. A list of unit numbers must accompany the registration.
- (i) The owner's signature and date of registration.

Sec. 12-47. Registration Renewal.

If there are no changes in ownership or agent representation, renewals of the registration may be made by filling out the Registration Renewal form furnished by the City and paying the appropriate fee. Registrations must be renewed on or before January 1 of each year, but not before October 1 of the preceding year.

Sec. 12-48. Changes In Ownership.

Within thirty (30) days of any change of ownership of any residential rental property, the new owner shall reregister the property by filing a registration application as set out in Section 12-46. There shall be no additional charge for the remaining period of the annual registration period. A change of ownership shall include any change in ownership rights, or execution of a contract or deed, whether recorded or not. The failure of the new owner to register the property within the time specified above is a violation of this article.

Sec. 12-49. Registration Fee.

The owner or his/her agent shall pay a registration fee of five dollars (\$5.00) for each residential rental dwelling unit when he/she submits his/her completed application for registration and/or his/her renewal application. A twenty-five dollar (\$25.00) late fee for each residential rental dwelling unit will be charged for the owner's failure to timely register or renew the registration of a residential rental dwelling unit in compliance with the provisions of this article.

Sec. 12-50. Agent Required.

- (a) Each owner of a residential rental dwelling unit within the City rented or offered for rent shall appoint an agent upon whom the City may lawfully serve notices pertaining to the administration of this article. Service shall be effective as if made upon the owner.
- (b) The designated agent must reside in Lee County, Alabama.
- (c) The owner may serve as the agent if the owner resides in Lee County, Alabama.

Sec. 12-51. Rental Property Inspection.

Every owner of a residential rental dwelling unit within the City shall submit to the City's periodic inspection of each unit and the property on which such unit is located for compliance with the Property Maintenance Code. Except as hereinafter provided, all residential rental dwelling units which are or become vacant after January 1, 2022, must be inspected for compliance with the Property Maintenance Code and a rental occupancy certificate issued if the unit is in substantial compliance, prior to occupancy by a new tenant. Thereafter, whenever a residential rental dwelling unit becomes vacant, the property shall be inspected for compliance and a new rental occupancy certificate shall be issued. No residential rental dwelling unit shall be occupied if it does not have a valid rental occupancy certificate. After completion of an inspection, if the residential rental dwelling unit is not in compliance with the Property Maintenance Code and this article, the owner or his/her agent shall be furnished with a written list of specific violations that shall be corrected and setting a time within which such violations shall be corrected. All violations and deficiencies shall be corrected with all City required permits, approvals and inspections and re-inspections within the time specified in the notice before a rental occupancy certificate is issued. A provisional rental occupancy certificate may be issued if the residential rental dwelling unit is substantially but not entirely in compliance with the Property Maintenance Code and there are no imminent life, health or safety threatening

violations. Notwithstanding the provisions of this section, a residential dwelling unit shall not be subject to inspection by the Building Official more often than every three (3) years from the date of issuance of the initial rental occupancy certificate except for re-inspections by the Building Official under Section 12-52 and inspections in response to citizen-based complaints under Section 12-53. It shall be unlawful and in violation of this article for the owner of a residential rental dwelling unit to refuse to allow the Building Official to inspect a residential dwelling unit as required by Sections 12-51, 12-52 and 12-53.

Sec. 12-52. Re-inspections.

A residential dwelling unit that exhibits a deficiency or deficiencies shall be subject to reinspection by the Building Official. All violation corrections shall be completed within the time specified by the Building Official. Noncompliance with a notice and order of the Building Official shall automatically terminate the rental occupancy certificate or provisional certificate.

Sec. 12-53. Complaint-based Inspection.

Nothing contained herein shall prevent or restrict the authority of the Building Official to inspect any residential rental dwelling unit, or the premises thereof, in response to a citizen complaint alleging code violations or other violations of law at such unit and to pursue all code enforcement remedies permissible under this article or other laws following such a complaint-based inspection of a residential rental dwelling unit. Upon receipt of a citizen-based complaint, the Building Official shall inspect the pertinent residential rental dwelling unit and/or areas of the residential rental property. All violations shall be corrected with all City required permits, approvals and inspections and re-inspections within the time specified on the notice and order of the Building Official in order to maintain a current rental occupancy certificate for a residential rental property. Noncompliance with a notice and order of the Building Official shall automatically terminate the rental occupancy certificate and render it null and void.

Sec. 12-54. Rental Occupancy Certificate.

Rental occupancy certificates issued pursuant to this article shall specify: the date of issuance, the legal use and occupancy of the unit, the unit address, the name of the unit owner to whom the certificate is issued, and that the unit complies with applicable laws so far as could be determined by inspection. It shall be unlawful and in a violation of this article for the owner of a residential rental dwelling unit to allow occupancy of a residential rental dwelling unit without first obtaining a rental occupancy certificate or allow occupancy after a residential rental certificate

has been terminated. Noncompliance with a notice and order of the Building Official shall automatically terminate the rental occupancy certificate or provisional certificate.

Sec. 12-55. Exemptions From Inspection Requirement.

Newly constructed residential rental dwelling units shall be exempt from the inspection provisions of Section 12-51 for a period of seven (7) years from the date the certificate of occupancy is issued by the Building Official. The exemption period shall begin to run on the date the Building Official issues a certificate of occupancy for the unit. This exemption shall not apply to complaint-based inspections under Section 12-53.

Sec. 12-56. Inspection Fees.

(a) The owner of the residential rental dwelling unit shall pay to the City a fee of fifty dollars (\$50.00) for the initial inspection and one (1) reinspection of the unit to verify that substandard conditions have been corrected in accordance with Section 12-52. The owner shall be assessed a fee of twenty-five dollars (\$25.00) for each additional follow-up reinspection.

(b) If a residential rental dwelling unit has been occupied without a rental occupancy certificate having been issued in violation of this article, the owner of the residential rental dwelling unit shall pay to the City the following fees:

- (1) \$150.00 for the first occupancy without a certificate.
- (2) \$300.00 for the second occupancy within one (1) year without a certificate.
- (3) \$500.00 for the third occupancy within one (1) year without a certificate.

Sec. 12-57. Administrative Regulations.

The Building Official is authorized and directed to promulgate administrative regulations pertaining to the implementation and enforcement of this article; provided, however, such

administrative regulations shall not be inconsistent with the provisions of this article.

Sec. 12-58. Suspension of Rental Occupancy Certificate.

(a) The Building Official may suspend a rental occupancy certificate if the Building Official determines that:

- (1) the residential rental property is unsafe or in a dangerous condition and the Building Official gives notice to the owner to remedy the unsafe or dangerous condition of the building or structure;
- (2) the owner fails to comply with a notice of violation;
- (3) the owner fails to comply with a requirement of this article;
- (4) the owner fails to comply with other City permitting requirements; or
- (5) the owner fails to pay the annual registration fee or inspection fee.

(b) A suspension is effective until the Building Official determines that the owner complies with:

- (1) the requirements of this article;
- (2) an order of the Building Official or court of competent jurisdiction; or
- (3) a notice of violation.

(c) While under suspension, an owner may not lease or otherwise allow vacant rental units to be occupied and may not lease or otherwise allow an occupied rental unit to be occupied by new

tenants.

(d) The Building Official must give notice to the owner of his intent to suspend the rental occupancy certificate issued under this article.

(e) The notice required by this section may specify a reasonable time for compliance under this article. If a time for compliance is specified, the Building Official may not suspend before the time for compliance has expired.

(f) If the rental occupancy certificate is suspended, the Building Official must give notice to the tenants.

Sec. 12-59. Revocation of Rental Occupancy Certificate

(a) The Building Official may immediately revoke a rental occupancy certificate that has been suspended pursuant to Section 12-58 (Suspension) if the Building Official determines:

- (1) a condition that is dangerous or impairs habitability exists at the rental property during the suspension period; and
- (2) the owner fails to take remedial action to correct the condition.

(b) Even if the certificate of rental occupancy certificate has not been suspended, the Building Official may immediately revoke the certificate issued under this article if an order to vacate the rental property is issued by the Building Official or a court of competent jurisdiction.

(c) After the rental property is compliant with the Property Maintenance Code, the Building Official may reinstate the rental occupancy certificate for the time specified in sections 12-51 and 12-54.

Sec. 12-60. Appeals.

All denials, suspensions, revocations and decisions of the Building Official shall be final and binding upon all parties unless the property owner appeals to the Property Maintenance Board of Appeals. Any person receiving a notice of an adverse decision, including denial of a rental occupancy certificate, notice of suspension, or notice of revocation, and wishing to appeal the same shall file a written notice of appeal in the office of the Building Official within ten (10) days from the date of notice of the adverse action. The notice of appeal must contain a brief statement of the facts that support the appeal and why the Building Official's decision should be reversed. The hearing on the appeal to the Property Maintenance Board of Appeals shall be held within thirty (30) days of the notice of appeal. The decision of the Property Maintenance Board of Appeals shall be final.

Sec. 12-61. Penalties For Violation.

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than one hundred eighty (180) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful actions as are necessary to prevent or remedy any violation.

Sec. 12-62. Injunctive Relief and Civil Remedies.

(a) If a person has violated or continues to violate the provision of this article, the City 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 City may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages resulting from any violation of this article and may seek other equitable relief to enforce compliance with the provisions of this article or to enforce compliance with any lawful orders of the Building Official.

Sec. 12-63. Liability.

Nothing contained in this article is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this article, or by reason and in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this article, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this article by its officers, employees or agents.

Sec. 12-64. Severability.

Severability is intended throughout and within the provisions of this article. If any section, clause, sentence or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portion of this article.

Section 2. **Repealer Clause.** All ordinances or parts thereof which are in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. **Effective Date.** This ordinance and the provisions of article IV of Chapter 12 of the *Code of Ordinances* of the City of Opelika shall be effective as of October 1, 2021, except that the provisions of Sections 12-51, 12-52, 12-53, 12-54, 12-55 and 12-56 shall become effective as of January 1, 2022.

Section 4. **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 The Opelika-Auburn News, a newspaper published in and of general circulation in the City of Opelika, 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

ORDINANCE NO. 015-21-ORD

Authorize the Exchange of Real Property to CJCF, LLC - 2nd Reading.

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING THE EXCHANGE OF
REAL PROPERTIES BETWEEN THE CITY OF OPELIKA AND CJCF, LLC**

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

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

(a) The City of Opelika, Alabama, a municipal corporation (hereinafter called the “City”), is the owner of the land and premises described in Exhibit “A” attached and made a part hereof (all of such property being hereinafter referred to as Parcel “A”).

(b) CJCF, LLC, an Alabama limited liability company (hereinafter called “CJCF”), is the owner of the land and premises described in Exhibit “B” attached hereto and made a part hereof (all of such real property being referred to as Parcel “B”).

(c) The City desires to exchange Parcel “B” for Parcel “A”.

(d) Parcel “A” is no longer needed for public or municipal purposes.

(e) It is necessary, advisable and in the interest of the City and in the public interest that the City make said exchange of real properties.

Section 2. In exchange for the conveyance by CJCF to the City of the property described in Parcel “B”, the Mayor is hereby authorized and directed to execute and attest, respectively, for and on behalf of the City, a Statutory Warranty Deed, a copy of which is on file in the office of the City Clerk, whereby the City does convey to CJCF the land and premises described as Parcel “A”.

Section 3. 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 Ordinance.

Section 4. This Ordinance shall become effective upon its passage, approval, adoption and publication as required by law.

Section 5. The City Clerk of the City of Opelika is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper 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

EXHIBIT “A”

Commence at the point where the Southeasterly margin of Avenue “A” is intersected by the easterly margin of South Ninth Street in the City of Opelika, Lee County, Alabama, and run North 45 degrees 0 minutes East, along the said Southeasterly margin of said Avenue “A”, for 263.0 feet, to the said point of beginning; thence run North 45 degrees 0 minutes East 12 feet along said right-of-way; thence run South 45 degrees 0 minutes East along said property a distance of 110 feet, thence South 45 degrees 0 minutes West for a distance of 12.0 feet, thence North 45 degrees 0 minutes West a distance of 110.0 feet to the point of beginning; all containing an area of more or less 0.03 acres.

Being part of the lot 3G of Block Eleven (11) as shown on Totten’s Official Real Estate Map of the City of Opelika, Alabama, as recorded in Town Plat Book 2, at Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and as shown by that certain survey dated January 22, 1971.

Being the identical property conveyed by the Corrective Warranty Deed dated October 26, 2020 from Lee County to the City of Opelika to Lee County, Alabama, of record in Deed Book 2613 at Page 202 in the Office of the Judge of Probate of Lee County, Alabama.

EXHIBIT "B"

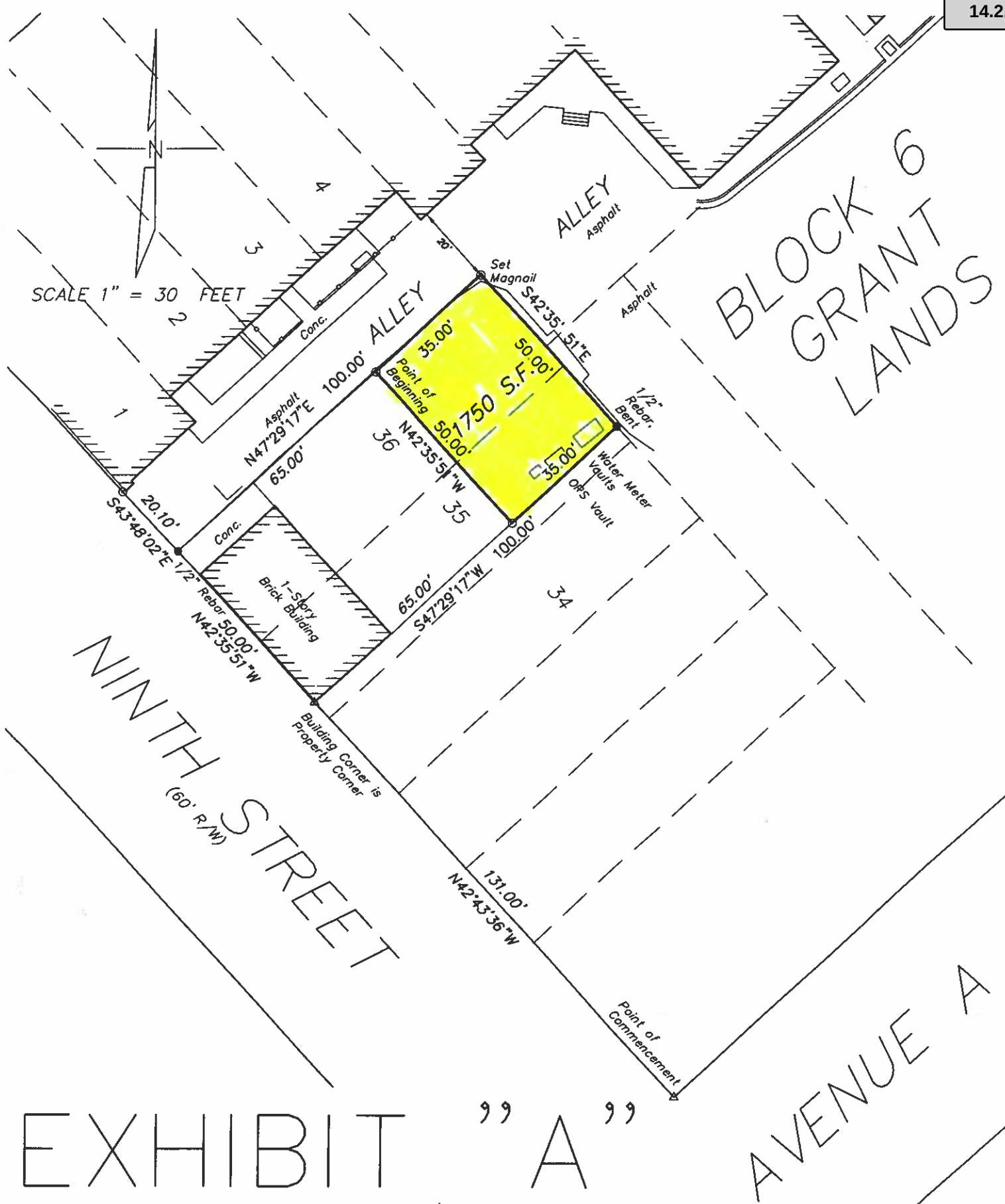
Commencing at the intersection of the northwesterly right of way line of Avenue A and the northeasterly right of way line of Ninth Street in Opelika, Lee County, Alabama; thence, along the last-mentioned right of way line, N42°43'36"W, 131.00 feet; thence N42°35'51"W, 50.00 feet to a found half-inch rebar corner on the southeasterly margin of an alley; thence N47°29'17"E, along the southeasterly margin of said alley, 65.00 feet to a half inch rebar and cap set and the True Point of Beginning of the Parcel of Land herein described; thence continuing N47°29'17"E along the southeasterly margin of said alley, 35.00 feet to a magnail set in asphalt; thence S42°35'51"E, along the southwesterly margin of said alley and the prolongation thereof, 50.00 feet to a found half-inch rebar, bent; thence S47°29'17"W, 35.00 feet to a half inch rebar and cap set; thence N42°35'51"W, 50.00 feet to the True Point of Beginning.

Said parcel being located in Section 7, Township 19 North, Range 27 East and composed of portions of Lots 35 & 36, Block 6, Grant Lands, as shown on Totten's Official Real Estate Map of Opelika, Alabama, being recorded in Plat Book 2, Page 9, in the office of the Judge of Probate of Lee County, Alabama, and containing 1,750 square feet.

Being further described according to and as shown on drawing, a copy of which is attached hereto.

Deed Reference: Deed Book: 2552 at Page 438.

Attachment: Exhibit B (015-21-ORD : Authorize the Exchange of Real Property to CJCF, LLC - 2nd Reading.)



NOTE:

This is a sketch to accompany a property description. It is not a survey.

ORDINANCE NO. (ID # 4754)

Amend Zoning Ord & Map: Rezone 27,680 SF, 1109 Columbus Parkway - 2nd Reading.

ORDINANCE NO. _____

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

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

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

From a R-1 District (Rural District) to a C-3 District (General Commercial District), the parcel of land hereinafter described:

Lots 1, 2 and 3, HEWITT SUBDIVISION, according to and as shown by that certain map or plat thereof of record in Town Plat Book 15 at Page 4 in the Office of the Judge of Probate of Lee County, Alabama.

The above-described property contains 26,780 square feet, more or less, and is located near Columbus Parkway and adjacent to Anand Street.

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

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

ADOPTED AND APPROVED this the ____ day of _____, 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

ORDINANCE NO. (ID # 4837)

Amend the Personnel Policies and Procedures Manual to Designate Juneteenth a City Paid Holiday - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 10.3.3 OF THE
PERSONNEL POLICIES AND PROCEDURES MANUAL TO DESIGNATE
JUNETEENTH AS A CITY PAID HOLIDAY**

WHEREAS, Juneteenth is the oldest recognized celebration observing the freedom of African-Americans from slavery in the United States. Juneteenth is a historic milestone reminding Americans of the triumph of the human spirit over the harshness of slavery and the basic civil rights of freedom and equality for all; and

WHEREAS, the Emancipation Proclamation was issued on September 22, 1862, with an effective date of January 1, 1863, but it had minimal immediate effect on the majority of enslaved people who remained in captivity; and

WHEREAS, on June 19, 1865, Union General Gordon Granger and 2,000 federal troops arrived in Confederate-controlled Texas to take possession of the state and to enforce the emancipation of enslaved people throughout the state; and

WHEREAS, two years, five months and eighteen days after President Abraham Lincoln signed the Emancipation Proclamation, the last of those enslaved within the borders of the United States were freed; and

WHEREAS, the word “Juneteenth” became the name for the joyous celebration of freedom from slavery as a result of the words “June Nineteenth” combined together in speech; and

WHEREAS, Texas celebrated Juneteenth beginning in 1866 with community-centric events, such as parades, cook-outs, prayer gatherings, historical and cultural readings and musical performances; and

WHEREAS, on January 1, 1980, Juneteenth officially became a Texas state holiday; and

WHEREAS, Juneteenth officially became the eleventh federal holiday on June 17, 2021, and Juneteenth National Independence Day is the first holiday to be added to the list of federal holidays since the recognition of Rev. Dr. Martin Luther King, Jr.'s birthday in 1983; and

WHEREAS, in addition to the federal government recognizing Juneteenth as a federal holiday, 49 states and the District of Columbia have passed legislation recognizing it as a holiday or observance; and

WHEREAS, the City Council desires to recognize Juneteenth as an official paid holiday for eligible employees.

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

Section 1. **Designation of Holiday.** That Juneteenth is hereby designated as an official City holiday to commemorate the abolition of slavery throughout the United States and its territories.

Section 2. **Amendment.** That Section 10.3.3 of the Personnel Policies and Procedures Manual of the City of Opelika, as previously amended, is further amended to read as follows:

10.3.3. **Regular Holiday Schedule.** The following days, and such others as the City Council may proclaim are approved paid holidays for all eligible employees except, public safety, emergency, and public utility departments employees.

- (a) New Year's Day - January 1
- (b) Martin Luther King Jr. Day - Third Monday in January
- (c) Memorial Day - Last Monday in May
- (d) Juneteenth - June 19

- (e) Independence Day - July 4
- (f) Labor Day - First Monday in September
- (g) Veterans Day - November 11
- (h) Thanksgiving Day - Fourth Thursday and Friday in November
- (i) Christmas Day - December 24 and 25

When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday, unless otherwise designated by the City Council.

Section 3. **Effective Date.** That this ordinance shall become effective upon its passage, approval and publication, as required by law, and the Juneteenth holiday will be observed beginning June 19, 2022.

Section 4. **Cumulative of All Other Ordinances.** The provisions of this ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the subject matter as covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

ADOPTED AND APPROVED this the ____ day of _____, 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