



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
April 5, 2016
TIME: 7:00 PM

1. Call to Order
 1. President Smith call the council meeting to order and asked Mr. Shuman to call the roll.
2. Roll Call
 1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith
3. Invocation
 1. Sunil Macwan provided the invocation.
4. Pledge of Allegiance
 1. Lexi Leonard and Ethan Neman from the Opelika Middle School.
Both Lexi and Ethan were present and lead the Pledge of Allegiance.
5. Reading of Minutes
 1. Minutes from the 3-15-16 City Council Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dozier Smith T, Council Member
SECONDER:	David Canon, Council Member
AYES:	Jones, Gray, Smith T, Canon, Smith
6. Unfinished Business
7. Remarks By the Mayor
 1. Recognize 20<40 class member - Ashley Smith.
Mayor Fuller recognized Ashley Smith in the audience asking her to stand up and thanked her for participating in the 20 Under 40 program.
 2. Proclamation recognizing Cyber Zone - national NADO award.
Mayor Fuller presented a proclamation to the owners of Cyber Zone in recognition of winning a national NADO award.
 3. Proclamation for National Service Recognition Day.
Mayor Fuller presented a proclamation recognizing National Service Day.
 4. Proclamation for Parental Alienation Awareness Day.
Mayor Fuller presented a proclamation recognizing Parental Alienation Awareness Day.
 5. Recognize the 2015 Police Officer of the Year - Sgt. Craig Vickers.
Mayor Fuller and Police Chief McEachern recognized Sgt. Craig Vickers for being selected the Opelika Police Officer of the year for 2015.
 6. Presentation of the Employee Service awards.
Mayor Fuller recognized city employees from various departments and presented them with their service pin ranging from 5 years of service to 30 years of service.
8. Citizen Communications

(Limit comments to five minutes or less)

Joanna Champagne with the Lee Co. Youth Development thanked the Mayor and City Council for their support of the Therapeutic Foster Parent Program since there are many children in Lee County that need a loving home.

Linbergh Jackson thanked Mayor Fuller and his staff for responding to his request and working with him to resolve issues on his brother's property on City Lake Road.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Main Street Request for the 2016 Relay for Life.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

2. Convenience Stores Inc. Request Retail Beer & Wine Off Premise License.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

3. King Food Mart Package Store Request a Lounge Retail Liquor Class 2 License.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

4. Public Hearing, Rezoning C-2 to C-1, 3.4 Acres on Ave B, Ave C & 10Th St. Marty Ogren, Asst. Planning Director, presented a summary of this public hearing to amend the City's zoning ordinance. President Smith asked if there was anyone present that would like to speak for or against said rezoning. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

There was no bids.

13. Resolutions

1. Resolution Resolution for Demolition - 600 Meadow Avenue - Tabled.
This resolution remained Tabled.

2. Resolution 067-16 Expense Reports from Various Depts.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

3. Resolution 068-16 Designate City Personal Property Surplus and Authorize Disposal

RESULT: APPROVED [UNANIMOUS]

MOVER: Larry Gray, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

4. Resolution 069-16 Travel Advancement for Tommy Holland to Attend Powerline Apprenticeship Class - OPS

- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
5. Resolution 070-16 Refund Overpayment of Occupational License Fee for Banks Refrigeration Heating & Air
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
6. Resolution 071-16 One (1) CUES Sewer Inspection Camera - Sole Source Purchase - PW
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
7. Resolution 072-16 Purchase Four (4) Ford Police Interceptor Utility Vehicles - OPD
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
8. Resolution 073-16 Tax Abatement Agreement - Mando America Corp.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
9. Resolution 074-16 Authorizing an Engagement Letter with Rogers Towers, P.A.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
10. Resolution 075-16 Special Appropriation, KOB 2016 Garden in the Park.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
11. Resolution 076-16 2016 Resurfacing Project Change Order - Engineering.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
12. Resolution 077-16 Expense Report, Add-On

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

14. Ordinances

1. Ordinance Amend Zoning Ord & Map, from C-2 to C-1, 3.4 Acres on Ave B, Ave C, & 10Th St. - 2Nd Reading.

Mr. Gray introduced this ordinance for a 1st Reading.

RESULT: FIRST READING INTRODUCED

2. Ordinance 109-16-ORD Amend City Code, Funeral Escort Services - OPD. - 1St Reading.

Mr. Smith T introduced this ordinance.

Then Mr. Canon made the motion to suspend the rules and was seconded by Mr. Gray. The following vote was recorded:

Ayes Jones, Gray, Smith T, Canon, Smith.

Nayes None.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

3. Ordinance 110-16-ORD Convey Property to Bush Properties - Engineering. - 1St Reading.

Ms. Jones introduced this ordinance.

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

Ayes Jones, Gray, Smith T, Canon, Smith.

Nayes None.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

15. Appointments

1. Reappoint Roy McLure, Property Maint. Brd. of Appeals. Term ends 3-16-19.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

2. Reappoint Auzzie Comer, Property Maint. Brd. of Appeals, Term ends 3-16-19.

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

3. Reappoint David Hudman, Property Maint. Brd. of Appeals, Term ends 3-16-19.

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

4. Reappoint Jasper Snipes, P&R Board. Term ends 3-15-21.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Larry Gray, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

16. Adjourn

These City Council meeting minutes of 4-5-16 are hereby adopted and approved this the 19th day of April, 2016.

/s/

Eddie Smith

President of the City Council

City of Opelika, Alabama

ATTEST:

/s/ R. G. Shuman

City Clerk - Treasurer

1. Motion to adjourn
This council meeting ended at 7:48 PM.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**CM MINUTES (ID # 1601)**

Meeting: 04/05/16 07:00 PM

Department: City Clerk

Category: CM Minutes

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 1601

Minutes from the 3-15-16 City Council Meeting.

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



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

March 15, 2016

TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order and asked Mr. Shuman to call the roll.

2. Roll Call

1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith

3. Invocation

The invocation was provided by Lee Vanoy.

4. Pledge of Allegiance

1. Carly Parker and Carmen Collins from OHS.

Carly Parker led the Pledge of Allegiance. Carmen Collins was not present.

5. Reading of Minutes

1. Minutes from the 3-1-16 City Council Meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Larry Gray, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller was absent due to traveling to Germany on City business. President Smith handled the Mayor's remarks section in the Mayor's absence.

1. Building Inspection Reports - February, 2016

President Smith called on Joey Motley, City Administrator, to present a summary of the February 2016 Building Permit report.

2. Recognize 20 Under 40 class member - Emily Baas.

President Smith recognized Emily Bass as a current member of the Twenty Under Forty class.

3. Proclamation recognizing National Ag Day.

President Smith read and presented a proclamation declaring National Ag Day to several representatives who were present to receive the proclamation.

4. Proclamation recognizing March as American Red Cross month.

President Smith read and presented a proclamation to Derek Boulware, Director of the local American Red Cross, declaring March American Red Cross month.

5. Recognize OHS students / State Art Competition.

President Smith recognized and presented certificates to the OHS students who recently competed in the Alabama State Art competition.

8. Citizen Communications

(Limit comments to five minutes or less)

Linbergh Jackson, 1007 City Lake Road, stated that no one had called him since the last council meeting. Mr. Jackson stated he had talked to Council members Patsy Jones and Larry Gray about the problems on his property caused from the flooding back in December. Mr. Jackson stated

that Mike Hilyer had called and left a message on his phone. He was told that the City could not work on private property but, he was willing to give the City permission to do so. Mr. Jackson stated he was disappointed in the City Administration. Mr. Jackson said he is still asking for the City's help in cleaning up this property. President Smith asked the City Administrator and City Attorney to look into this situation and let Mr. Jackson know if there is anything the City can legally do to help.

Kyle Sandler, owner of the Round House, thanked Chief McEachern and his police officers for their great work in assisting with his youth program and for being so respectful to a young lady that can not drive very well and is doing community service. Mr. Sandler said that Opelika is a very progressive City and is happy to be part of the community.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request for CASA 5K Superhero Run on Sat. 4/30.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Larry Gray, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

12. Awarding of Bids

There were no bids.

13. Resolutions

1. Resolution Resolution for Demolition - 600 Meadow - Tabled.
This resolution was left Tabled.

2. Resolution 058-16 Expense Reports from Various Departments.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

3. Resolution 059-16 Designate City Personal Property Surplus and Authorize Disposal

RESULT: **APPROVED [UNANIMOUS]**

MOVER: David Canon, Council Member

SECONDER: Larry Gray, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

4. Resolution 060-16 Purchase One (1) 2016 Chevrolet Tahoe - ED

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

5. Resolution 061-16 Trac-Work Amended Proposal, Rockybrook Rocket Project - P/R.

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

6. Resolution 062-16 Annual Appropriation, Lee Co. Water Festival.

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

7. Resolution 063-16 Special Appropriations to Leadership Lee County.

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

8. Resolution 064-16 Special Appropriation to American Cancer Society - 2016 Relay for Life.

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

9. Resolution 065-16 Extension of Moratorium on Large Sign Permits - Planning.

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

10. Resolution 066-16 Budget Adjustment, Temporary Need for Professional Accounting Services.

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

14. Ordinances

There were no ordinances.

15. Appointments

1. Reappoint David Scott to the OIDA. New term ends 3-08-20.

RESULT: APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

2. Reappoint Steve Bordeaux to the OIDA. New term ends 3-08-20.

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

3. Appoint Brett Scullen to the OIDA. Term ends 3-08-20.

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

16. Adjourn

These City Council meeting minutes of 3-15-16 are hereby adopted and approved this the ____ day of _____, 2016.

/S/

President of the City Council
City of Opelika, Alabama

ATTEST:

/s/

City Clerk - Treasurer

1. Motion to adjourn.

The council meeting was adjourned at 7:38 PM.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

Attachment: CM 4-05-16, minutes from 3-15-16 CM. (1601 : Minutes from the 3-15-16 City Council Meeting.)

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 1602)**

Meeting: 04/05/16 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 1602

Main Street Request for the 2016 Relay for Life.

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



Dear Mr. Shuman,

The local Relay for Life organization will be hosting their Lee County fundraiser at Courthouse Square on April 22nd from 6pm-Midnight.

We have discussed the closure of Ninth Street between Avenue A and Avenue B. If you would please present to city council, it would be most appreciated. Barricades may be placed at the corner of Avenue A and Ninth Street and Avenue B and Ninth Street.

In addition, I will help them request garbage event cans from Terry White.

Please let me know if I need to provide you with any more information.

Thank you for your help, Pam

Pam Powers-Smith
Director, Opelika Main Street

Attachment: CM 4-05-16, OMS request for 2016 Relay for Life. (1602 : Main Street Request for the 2016 Relay for Life.)



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 04/05/16 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright
Initiator: Martha Wright
Sponsors:

GENERAL BUSINESS (ID # 1617)

DOC ID: 1617

Convenience Stores Inc. Request Retail Beer & Wine Off Premise License.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 04/05/16 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Martha Wright
Sponsors:

GENERAL BUSINESS (ID # 1616)

DOC ID: 1616

King Food Mart Package Store Request a Lounge Retail Liquor Class 2 License.

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



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1580)

Meeting: 04/05/16 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Gerald (Jerry) Kelley

Sponsors:

DOC ID: 1580

Public Hearing, Rezoning C-2 to C-1, 3.4 Acres on Ave B, Ave C & 10Th St.

The City of Opelika and Marsh Real Estates Investments LLC, property owners, are requesting rezoning 3.4 acres. The City of Opelika property consist of 3.18 acres. The Marsh Real Estates Investments LLC property consist of 0.23 acre. Rezone City of Opelika property at 1015 Avenue B (Fire Station) and 1010 Avenue C (former Opelika Power Services location); and Marsh Real Estates Investments LLC property at 405 South 10th Street. The rezoning for the properties is from C-2 to C-1 (See Map on page 2 of PC report attached). The Planning Commission sends a positive recommendation to rezone the properties.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, April 5, 2016, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama.

PURPOSE

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

ORDINANCE NO. _____

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

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

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

From a C-2 District (Office/Retail District) to a C-1 District (Downtown Commercial District), the parcels of land hereinafter described:

PARCEL 1

Commencing at the intersection of the Southwest margin of South Tenth Street with the Southeast margin of Avenue B, run thence South 45 degrees, 00 minutes West, a distance of 300 feet to the point of beginning of the property herein to be described and conveyed. From said last mentioned beginning point, run South 45 degrees, 00 minutes East, a distance of 101.0 feet; run thence North 45 degrees, 00 minutes East, for a distance of 100.0 feet; run thence South 45 degrees, 00 minutes East, for a distance of 299.0 feet to a point on the Northwesterly margin of Avenue C; run thence South 45

degrees, 00 minutes West, along the Northwesterly margin of Avenue C, a distance of 393.3 feet to a point on the Northeasterly margin of the right-of-way of the Central of Georgia Railway Company, which point is 8 feet from the center line of a spur track of said railroad; run thence North 42 degrees, 01 minutes West, along the Northeasterly margin of said railroad right-of-way, a distance of 201.2 feet; run thence North 47 degrees, 57 minutes East, a distance of 30.7 feet; run thence North 43 degrees, 00 minutes West, a distance of 200.8 feet to a point on the Southeasterly margin of Avenue B; run thence North 45 degrees, 00 minutes East, a distance of 245.6 feet to the point of beginning. The above described parcel is further described as 1015 Avenue B (Fire Station 1) and 1010 Avenue C (formerly developed as the old Opelika Service Building).

PARCEL 2

Commencing at the Northwest corner of the Northeast quarter of Section 18, Township 19 North, Range 27 East in the City of Opelika, Lee County, Alabama, thence run South 45.4 feet; thence run East, 106.3 feet to a point on the Southeasterly margin of Avenue C, which point is the point of beginning of the real estate here to be described and conveyed; from said point of beginning thence run North 47 degrees 36 minutes East, along and with the said Southeasterly margin of Avenue C, 84.5 feet; thence run North 88 degrees 23 minutes East, along and with the Southerly margin of an alley, 303.4 feet to a point on the Southwesterly margin of Tenth Street, 10.0 feet; thence run South 26 degrees 01 minutes West, along and with the Northwesterly margin of an alley, 629.4 feet to a point on the Northeasterly margin of the right-of-way of the Central of Georgia Railroad; thence run North 39 degrees 29 minutes West along and with the said Northeasterly margin of the right-of-way of the Central of Georgia Railroad, 229.3 feet; thence run North 25 degrees 28 minutes East, 223.6 feet; thence run North 41 degrees 59 minutes West, 43.9 feet; thence run North 26 degrees 03 minutes East, 55.1 feet; thence run North 41 degrees 32 minutes West, 62.3 feet to a point on the said Southeasterly margin of Avenue C and the point of beginning; together with all buildings and improvements thereon and appurtenances thereunto appertaining; and being situated in Sections 7 and 18, Township 19 North, Range 27 East, in the City of Opelika, Lee County, Alabama. The above described parcel is further described as 405 South 10th 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.

WITNESS my hand this the ____ day of _____, 2016.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the _____, 2016 issue of your paper.

CITY CLERK

City of Opelika

Planning Commission report

Action Requested:	Rezoning (1015 Ave. B; 1010 Ave. C: 405 S. 10 th St.)
Property Owner(s):	City of Opelika and Marsh Real Estates Investments LLC
Current Zoning:	C-2 (Office Retail)
Zoning Request:	C-1 (Downtown Commercial)
Adjacent Zoning/Land Use:	North: C-3/Storage & Outdoor Equipment Parking (Across from Fire Station) & C-2/Alabama Wood Products (Corner of 10th St. & Ave. C) South: M-1 & C-2/Historic Possibilities Structure-Ave. C Storage & Opelika Farmers Market (411 S. 10th) East: C-2 & C-1/Structure Renovation (Corner of 10th St. Ave. C) Former Location of Davis-Dyar Showroom West: M-1/Railroad Right & Historic Possibilities (Ave. C)

Proposal:

Applicants, City of Opelika and Marsh Real Estate Investments, are requesting rezoning from C-2 to C-1 for a total of 3.3 acres (see map on page 2).

The fire station is permitted in any zoning district without conditional use since same is a government building. When the new fire station is built and occupied the City may keep or sell the property.

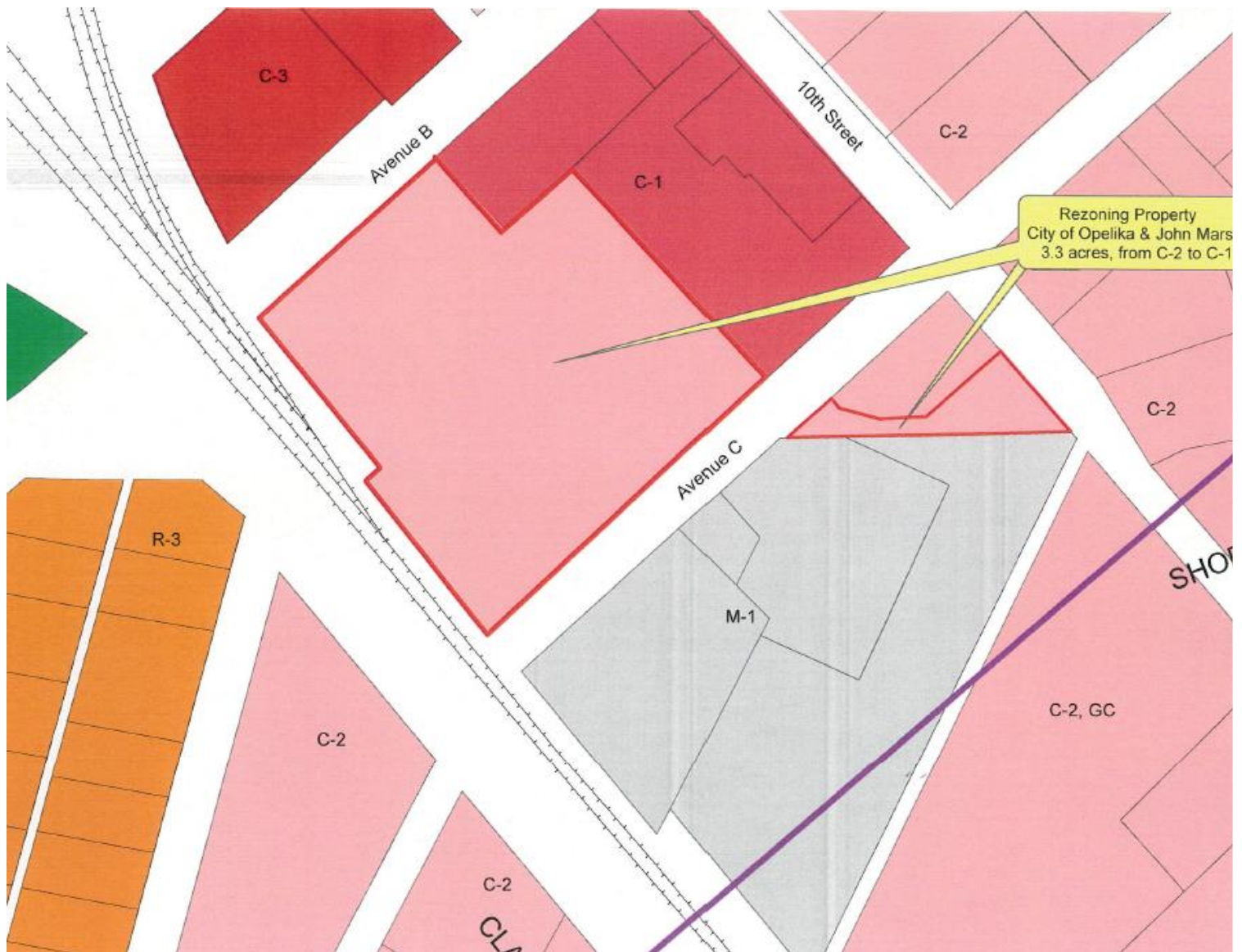
Opelika Power Services (OPS) property will be used by the Opelika Industrial Development Board (OIDA) via an agreement with the City for redevelopment by Marsh Real Investments to lease. The uses are yet to be determined but there will be up to ten (10) individual units as an incubator type business for start-up entrepreneurs to do “limited light assembly and manufacturing” (Section 6.4 Purpose and Intent of Zoning Districts; C-1 Downtown Commercial District); for such items as billfolds, coin purses, dog collars/leashes, jewelry etc.

Mr. Marsh owns the property at 405 S. 10th St. and desires to rezone from C-2 to C-1. The building is vacant but he has a tenant who makes picture frames and desires to lease the structure. However, this building for the proposed use has a property line through the structure which will require a subdivision plat and conditional use via Planning Commission (PC) meeting on March 22, 2016.

After consultation with City Attorney, Guy Gunter, a change to Section 7.3 Specific District Regulations; Subsection C Use Categories; Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Assembling of Goods, Merchandise, and Equipment; is necessary to amend the matrix table to allow such uses on a “case by case” request for Conditional Use in C-1. A public hearing on an amendment change will come to PC on March 22, 2016.

Staff Recommendation: Approve and recommend to City Council a zone change from C-2 to C-1 for properties located at 1015 Avenue B, 1010 Avenue C, and 405 S. 10th Street.

At the February 23rd meeting, the Planning Commission voted 8 to 0 to send a positive recommendation to the City Council to rezone the property from C-2 to C-1.



Attachment: Avenue B, Avenue C, & South 10th Street - City of Opelika and John Marsh, Rezoning, 1015 Avenue B, 1010 Avenue C, and 405 S.

RESOLUTION NO. (ID # 1474)

Resolution for Demolition - 600 Meadow Avenue - Tabled.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 600 MEADOW AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-04-18-3-001-001.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 600 Meadow Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-04-18-3-001-001.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, The Buryl C. Jones Revocable Trust is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Selwyn Jones, as Trustee of the Buryl C. Jones Revocable Trust, is the person last assessing the subject property for state taxes; and

WHEREAS, there are no mortgagees or lienholders of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to The Buryl C. Jones Revocable Trust, Selwyn Jones, Trustee, 3640 Robert E Lee Drive, Millbrook, AL 36054; and

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

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

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

WHEREAS, Tuesday, February 16, 2016 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the buildings located at 600 Meadow Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, February 16, 2016, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 600 Meadow Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 600 Meadow Avenue, Opelika, Alabama, Parcel I.D. Number: 43-10-04-18-3-001-001.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lot 12 in Meadow Park Subdivision, Unit No. One, in the City of Opelika, Alabama, according to and as shown by a plat of Meadow Park Subdivision, Unit No. One, as the same appears of record in the Office of the Judge of Probate of Lee County, Alabama, in Town Plat Book 3 at Page 39; together with all improvements thereon, and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-04-18-3-001-001.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

for the demolition. The municipality may sell or otherwise dispose of salvaged materials resulting from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2016.

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

ATTEST:

CITY CLERK

Cc: The Buryl C. Jones Revocable Trust
Selwyn Jones, Trustee
3640 Robert E. Lee Drive
Millbrook, AL 36054

RESOLUTION NO. 067-16

Expense Reports from Various Depts.

RESOLUTION NO. _____

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

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

Employee	Department	\$ Amount
-----	-----	
Jeff Kappelman	Inspection	223.44

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

ADOPTED and APPROVED this the ____ day of _____, 2016.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

NAME

Jeff Kappelman

DEPARTMENT

Building Inspections

EXPENSE REPORT 13.2.a

PERIOD ENDING

3/14/2016

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
3/13/2016	Baton Rouge, LA	157.07				31.43		8.13				
3/14/2016						26.81						
WEEKLY CATEGORY TOTALS \$		157.07	0.00	0.00	0.00	58.24	0.00	8.13	0.00	0.00	0.00	223.4

WEEKLY TOTAL EXPENSES

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

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

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

Travel to attend Region IX board meeting and educational conference

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE

☐ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
3/13	Gas	31.43
3/14	Gas	26.81

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

RESOLUTION NO. 068-16

Designate City Personal Property Surplus and Authorize Disposal**RESOLUTION NO. _____**

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

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

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

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

No.	Qty.	Unit	Item Description	Fixed Asset #
1.	1	Ea.	Pocket Jet Printer	N/A
2.	2	Ea.	View Sonic Monitor	N/A
3.	2	Ea.	Asus Computer	N/A
4.	3	Ea.	Cisco Phone	N/A
5.	1	Ea.	Getac Battery	N/A
6.	1	Ea.	HP Scan Jet	N/A
7.	1	Ea.	HP Fax	N/A
8.	1	Ea.	Genovation Mini Terminal	N/A
9.	1	Lot	Cell Phones	N/A

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

dispose of such property in the most economical and feasible manner available to him.

ADOPTED AND APPROVED this the _____ day of _____, 2016.

C. E. "Eddie Smith, Jr.

President of the City Council

City of Opelika

ATTEST:

Robert G. Shuman

City Clerk - Treasurer

RESOLUTION NO. 069-16

Travel Advancement for Tommy Holland to Attend Powerline Apprenticeship Class - OPS**RESOLUTION NO. _____**

WHEREAS, Apprentice Lineman II, Tommy Holland, is requesting a travel advance from the City Treasury for the purpose of attending the Power Line Apprentice Class in Newnan, Georgia from April 11, 2016 through April 15, 2016.

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

- 1) That the Opelika Power Services Director is hereby authorized to process the appropriate paperwork to the Accounting Department so a check for Four Hundred dollars (\$400.00) can be prepared payable to Tommy Holland.
- 2) That the City Treasurer is hereby authorized and directed to sign said advance check for \$400.00 payable to Tommy Holland for travel expenses while attending the Power Line Apprentice Class. That said Apprentice Lineman II shall present an itemized expense report immediately upon his return to the City.

APPROVED and ADOPTED this the _____ day of _____, 2016.

C.E. "Eddie" Smith, Jr.

President City Council

Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - Treasurer

Fact Sheet

Subject:

Travel Advance

Facts:

Apprentice Lineman II, Tommy Holland is attending the Power Line Apprenticeship Class in Newnan, Georgia, which begins on April 11, 2016.

Tommy is requesting 15 meals, parking fees, and fuel for a City vehicle, with an estimated cost of \$400.00

15 Meals ~ \$270.00

Fuel for City vehicle while in Newnan~ 2 Fill ups @ \$60=\$120.00

Parking Fees ~ \$10.00

Recommendations:

The Council to approve the travel advance for Tommy Holland during the April 5, 2016 Council Meeting.

2016 PowerLine School Calendar of Events

Revised

13.4.b

January 27 - 28	Florida Advanced Lineworker Program - Module 2	KUA
February 1 - 5	Groundman School	Newnan
February 22 - 26	Powerline Workers Apprenticeship Class 48B	Newnan
February 29 - March 4	Florida Groundman School	KUA
March 16 - 17	GA Advanced Lineworker Program - Module 1	Adel
April 11 - 15	Powerline Workers Apprenticeship Class 46C	Newnan
April 27 - 28	Florida Advanced Lineworker Program - Module 3	KUA
May 16 - 20	Florida Powerline Workers Apprenticeship Class 1B	KUA
May 23 - 27	Powerline Workers Apprenticeship Class 50A	Newnan
June 15 - 16	Florida Underground Line Locating School	KUA
June 17	Graduation - Class 45	Adel
June 22 - 23	GA Advanced Lineworker Program - Module 2	Newnan
July 20 - 21	Florida Advanced Lineworker Program - Module 4	KUA
August 1 - 5	Florida Powerline Workers Apprenticeship Class 2A	KUA
August 15 - 19	Powerline Workers Apprenticeship Class 47C	Adel
August 31 - September 1	GA Advanced Lineworker Program - Module 3	Adel
September 12 - 16	Groundman School	Adel
October 21	Graduation - Class 46	Newnan
October 24 - 28	Powerline Workers Apprenticeship Class 49B	Adel
November 9 - 10	Florida Advanced Lineworker Program - Module 1	KUA
November 15 - 16	Underground Line Locating School	Newnan
December 5 - 9	Powerline Workers Apprenticeship Class 51A	Adel
December 14 - 15	GA Advanced Lineworker Program - Module 4	Newnan

Attachment: PowerLine Training Calendar 2016 (069-16 : Travel Advancement)

ECG Powerline School

Powerline Workers Apprenticeship Program

ECG's PowerLine School is the culmination of years of field experience and countless hours of applied classroom training.

Our 3-year **PowerLine Workers Apprenticeship Program** is designed to enhance the knowledge and skills of utility employees in this field. The program is **U.S. Department of Labor certified** and has proven to be beneficial and rewarding to both the students and their employers who have taken advantage of this noteworthy program. Designed to enhance the knowledge and skills of utility lineworkers, the program provides three hands-on classroom training sessions; five days each and scheduled each year of the three year program.

The 6,000 hour on-the-job training component is supervised by a journeyman and facilitated by an assigned program coordinator for the participating organization. Also included are self study units with timed examinations that are given throughout the program.

For information about our training or programs, please contact:
Jon Beasley | 770.563.0328 | jbeasley@ecoga.org



RESOLUTION NO. 070-16

Refund Overpayment of Occupational License Fee for Banks Refrigeration Heating & Air

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Opelika, Alabama, a

municipal corporation, as follows:

- 1) That the Revenue Department, has investigated and confirmed that said refund request is valid and recommends approval.
- 2) That the Purchasing-Revenue Manager is hereby authorized to prepare and process the appropriate documents so a refund check in the amount of \$1,496.49 can be printed payable to Banks Refrigeration Heating & Air Conditioning Service LLC, 8760 US Hwy 29 North, Cusseta, AL 36852, for Occupational License Fees paid in error for 2015.
- 3) That the City Clerk is hereby authorized to sign and mail said check to the address as detailed in number 2. above.
- 4) That a copy of the Purchasing-Revenue Manager's recommendation is hereto attached as Exhibit "A".

APPROVED and ADOPTED this the _____ day of April, 2016.

C.E. "EDDIE" SMITH, JR.
PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

ROBERT G. SHUMAN
CITY CLERK/TREASURER



Revenue Department City of Opelika

REFUND REQUEST

ACCOUNT # 87

DATE OF REQUEST: 03/25/16

BUSINESS NAME: Banks Refrigeration Heating & Air Conditioning Service

ADDRESS: 8760 US HWY 29 N

CITY, STATE ZIP CODE: Cusseta, AL 36852

AMOUNT OF REFUND REQUESTED: \$1,496.49

DESCRIPTION OF REQUEST AND REASON FOR REFUND:

Banks Refrigeration Heating & Air Conditioning Service LLC is requesting a refund of Occupational License Fee overpaid to the City of Opelika for the periods of 2015 1st, 2nd, 3rd, & 4th quarters. Mr. Joe Banks' accounting firm over calculated the occupational license fee amount to be paid to the City of Opelika. The amount calculated was based on hours worked outside the City of Opelika. Due to overpayment, Mr. Banks is due \$419.31 for 1st quarter, \$511.48 for 2nd quarter, 325.91 for 3rd quarter, and \$ 239.79 for 4th quarter 2015 for a total of \$1,496.49.

The Revenue Department has conducted an investigation regarding the request and compared our records with the backup information provided by Banks Refrigeration Heating & Air Conditioning Service. I find the request is a legitimate one.

LILLIE FINLEY
PURCHASING/REVENUE MANAGER

Attachment: Banks Refund Request (070-16 : Refund Request Banks Refrigeration)

RESOLUTION NO. 071-16

One (1) CUES Sewer Inspection Camera - Sole Source Purchase - PW**RESOLUTION NO. _____**

WHEREAS, the Public Works Department desires to purchase One (1) CUES Sewer Inspection Camera; and

WHEREAS, this is a sole source purchase; and

WHEREAS, Ingram Equipment Co., LLC. is the sole vendor; and

WHEREAS, this is a budgeted purchase from Capital Outlay;

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

1. That the purchase be awarded to Ingram Equipment Co., LLC.
2. That the Purchasing-Revenue Manager be authorized to issue a purchase order to Ingram Equipment Co., LLC not to exceed \$47,948.00 as a sole source purchase.
3. The Controller is authorized to adjust the budget as necessary for this purchase.

APPROVED AND ADOPTED this the ____ day of _____, 2016.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman

City Clerk - Treasurer

CITY OF OPELIKA
Sole Source Justification

DEPARTMENT Public Works

REQUISITION NUMBER 16003609

NAME OF REQUESTING EMPLOYEE Michael Hilyer

VENDOR Ingram Equipment

PRODUCT/SERVICE CUES SEWER INSPECTION CAMERA

Estimated annual expenditure for the commodity or service \$ 5,000

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

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

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

DEPARTMENT HEAD SIGNATURE

Mike Wilson

DEPARTMENT/DIVISION/DATE

*Public Works 3-22-2016***PURCHASING DEPARTMENT USE ONLY**PURCHASING AGENT APPROVAL
(SIGNATURE/DATE)*Lillee Fry 3-22-16*

DISAPPROVAL/DATE

COMMENTS

COUNCIL ACTION/DATE

The City of Opelika wishes to sole source Ingram Equipment Company, LLC the area CUES sewer line video inspection equipment dealer for the following reasons:

- The City of Opelika has a CUES Inspector General System camera and transporter. It is a microprocessor controlled system, and all codes for controlling ancillary equipment such as cameras and transporters are proprietary to CUES Inc. This system is not compatible with systems from other industry suppliers, nor is the latest portable equipment made by other industry suppliers manufactured with the intent of interfacing with CUES equipment.
- The City wishes to optimize funds presently budgeted to procure new state of the art CCTV inspection system.
- The latest technology of CUES is backward compatible with the City's existing cameras. By utilizing our present camera and transporter, we are able to realize over \$21,000 savings and purchase a new state of the art sewer inspection system.
- CUES has serviced our system well throughout the years and now offers local service and representation through Ingram Equipment Company, LLC in Pelham, AL.
- By utilizing our present CUES system and sole sourcing the latest CUES equipment that is backwards compatible to our present working systems, we can optimize our funds and return on investment and receive the latest technology available, while retaining the same level of service.



Sales Order

Ingram Equipment Company, LLC
P.O. Box 1907
Pelham, AL 35124
(205) 663-3946

SAW
Order Number: 0025777
Order Date: 3/16/2016

Salesperson: EV
Customer Number: OPECITY

Sold To:
CITY OF OPELIKA
P.O. BOX 390
Opelika, AL 36803
Confirm To:
SHOP

Ship To:
ESG OPERATIONS INC.
700 FOX TRAIL
Opelika, AL 36803

Customer P.O.	Ship VIA	F.O.B.	Terms
			DUE UPON RECEIPT OF INVOICE

Item Code	Unit	Ordered	Shipped	Back Order	Price	Amount
CUES-K2	EACH	1.00	0.00	0.00	47,198.00	47,198.00
CUES TV INSPECTION K2 DOLLYSYS			Whse: 000			
/M						750.00
SHIPPING & HANDLING						
Deduct camera included in base						
Deduct Transporter included in base						
Wired Controller						
Wireless Controller						
Electric Clutch for K2/Iggy Dolly						
Remote hand controller with 26' Umbilical for Dolly with Clutch						
Granite XP Lite						
Computer for Granite Lite						
Granite Engineering						
Granite Lite Support Plan						
PCU Enclosure for Dolly						
Support for Dolly, Truck Mount						
3 Days Training, Two Included in Base Price						

Net Order:	47,948.00
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Order Total:	47,948.00

Attachment: 4-5-16 - CUES SEWER INSPECTION CAMERA - SOLE SOURCE - CNCL PKT (071-16 : One (1) CUES Sewer Inspection Camera -

RESOLUTION NO. 072-16

Purchase Four (4) Ford Police Interceptor Utility Vehicles - OPD**RESOLUTION NO. _____**

WHEREAS, the Opelika Police Department desires to purchase four (4) 2016 Ford Police Interceptor Utility Vehicles Trucks with certain options utilizing the State of Alabama Contract # T191L; and

WHEREAS, Stivers Ford Lincoln, Inc. is the State Contract Vendor for the four (4) 2016 Ford Police Interceptor Utility Vehicles; and

WHEREAS, this is a budgeted purchase;

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

1. That the purchase be awarded to Strivers Ford Lincoln, Inc. utilizing the State of Alabama Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Stivers Ford Lincoln, Inc. in the total amount of \$107,372.00.
3. The Controller is authorized to adjust the budget as necessary for this purchase.

APPROVED AND ADOPTED this the ____ day of _____ 2016.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

STIVERS FORD LINCOLN
4000 EASTERN BLVD
MONTGOMERY, AL 36116

2016 FORD POLICE INTERCEPTOR UTILITY -- OPELIKA PD

CONTRACT NUMBER: MA999 16000000002

LINE NUMBER: 27

CONTRACT AMOUNT: \$25,148

MODEL SERIES

K8A

Order Code: 500A

INCLUDES: 3.7L V6 304 Horsepower FFV Engine, 6 Spd Auto, AWD (All Wheel Drive), Cloth Front & Vinyl 2nd Row Rear Seats
 2nd Row, Rear Quarter & Liftgate Privacy Glass, 4 Wheel Disc Brakes w/ ABS & Traction Control, Tilt Wheel, Cruise,
 Power Windows, Locks & Mirrors, AM/FM CD Radio, Cloth Front & Vinyl Rear, Air Bags-Front, Side Impact & Canopy
 220 Amp Alternator, 78 Amp Battery/750CCA, Engine Hour Meter, 245/55R18 A/S BSW Pursuit Rated, HD Vinyl Flooring
 Power Adj. Pedals, (2) Front Seat Powerpoints, Tire Pressure Monitoring System (TPMS), Power Pigtail Harness,
 2-Way Radio Pre-wire, Rear View Camera (in center stack or optional in rear view mirror option code 87R at NC)

FORD 5 YEAR / 100,000 MILE ESP POWER TRAIN PROTECTION INCLUDED

SELECTED OPTIONS

595	Remote Keyless Entry System (not available with keyed alike)	\$	260	☒
64E	Painted Aluminum Wheel (18 in.)	\$	475	☒
76R	Reverse Sensing	\$	275	☒
16D	Police Interceptor Badge Delete		NC	☒
53M	SYNC Basic (voice-activated Communication System)	\$	295	☒

EXTERIOR COLOR & INTERIOR OPTIONS

EXTERIOR COLORS:

HG Smokestone Metallic
 N1 Blue Jean Metallic
 UX Ingot Silver Metallic
 UJ Sterling Gray Metallic

1
1
1
1

COLORS: NO Charge

INTERIOR TRIM / SEATS:

FW Cloth Front Buckets / Cloth Rear - Includes 6-way Power Driver; 2-way Manual Passenger;
 Rear 60/40 Cloth

Incl ☒

65U Interior Upgrade Package - includes 1st & 2nd Row Carpet; Cloth Rear Seat; Center Floor Console;
 Console Top Plate w/ 2 Cup Holders; Front & Rear Carpet Floor Mats

\$ 390 ☒

TOTAL PRICE - EACH

\$ 26,843

DELIVERY: State Contract Provisions for \$1.50 / mile one-way

TERMS:

PAYMENT DUE AT TIME OF DELIVERY

SIGNATURE:

DATE:

PURCHASE ORDER NUMBER:

Quantity: 4

334-613-5000
 334-613-5018 fax

Page 1 of 1

PI UTILITY - OPELIKA PD
 Last Updated: 3/22/2016
 Revision: 16.4



Office: (334) 705-5200
Fax: (334) 749-4831

CITY OF OPELIKA
OPELIKA POLICE DEPARTMENT

501 SOUTH 10TH STREET
P.O. BOX 2485
OPELIKA, ALABAMA 36803-2485



John H. McEachern, III
Chief of Police

DATE: 03/28/1016
TO: Lillie Finley
City of Opelika Purchasing Agent
FROM: Captain Terence McMenamin
Detective Division Commander
Opelika Police Department

SUBJ: State Contract

Mrs. Finley

On behalf of the Opelika Police Department we accept the State of Alabama contract to Stiver's Ford, Montgomery, Alabama. The State bid is for \$26,843.00.

Four unmarked 2016 Ford Police Interceptor Utility vehicles for a total cost of \$107,372.

The attached is the contract for all vehicles.

Respectfully submitted,

Terence M. McMenamin
Captain Terence McMenamin
Detective Division Commander
Opelika Police Department

Attachment: 4-5-16 -FOUR (4) 2016 FORD POLICE INTERCEPTOR UTILITY - STATE CONTRACT T191L - CNCL PKT (072-16 : Four (4) Ford

Manufacturer Part Number:
Product/Category Number:
Serial Number:
Specification Number:

Piece Number:
Color:
Size:
Model Number:
Warranty:

Ship To

/ 334-242-6057
ALA DEPT OF TRANSPORTATION STATEWIDE

Bill To

CARISSA ADAMS / 334-242-6057
ALA DEPT OF TRANSPORTATION ACCOUNTING DIVISION
1409 COLISEUM BLVD.
MONTGOMERY, AL 36110
USA
Billing Instructions:

AL 00000
USA

Free on Board:
Shipping Method:
Shipping Instructions:
MSDS Required?: No
Hazardous Materials:
Handling Instructions:
Packing Instructions:
Detailed Instructions:
Additional Instructions:

Lot 1, Line 25

Commodity Code: 07012400000 MOTORCYCLES FULL SIZE, POLICE
Specifications:
Description: MOTORCYCLE, LAW ENFORCEMENT, STANDARD
SPECIFICATIONS/FEATURES, MAKE: _____ MODEL:
_____ VICTORY COMMANDER!

Line Type: Item

Quantity: 1.00000
Unit: Each
Starting Bid Price: \$0.00

Manufacturer:
Manufacturer Part Number:
Product/Category Number:
Serial Number:
Specification Number:

Requested Delivery Date:
Drawing Number:
Piece Number:
Color:
Size:
Model Number:
Warranty:

Ship To

/ 334-242-6057
ALA DEPT OF TRANSPORTATION STATEWIDE

Bill To

CARISSA ADAMS / 334-242-6057
ALA DEPT OF TRANSPORTATION ACCOUNTING DIVISION
1409 COLISEUM BLVD.
MONTGOMERY, AL 36110
USA
Billing Instructions:

AL 00000
USA

Free on Board:
Shipping Method:
Shipping Instructions:
MSDS Required?: No
Hazardous Materials:
Handling Instructions:
Packing Instructions:
Detailed Instructions:
Additional Instructions:

Lot 1, Line 26

Commodity Code: 07042760000 VEHICLES, UTILITY, TWO AND FOUR WHEEL
DRIVE
Specifications:
Description: VEHICLE, FULL-SIZE SUV, LAW ENFORCEMENT (NOT PURSUIT
RATED), STANDARD SPECIFICATIONS/FEATURES, MAKE: _____ MODEL:
_____ DODGE DURANGO SSV

Line Type: Item

Quantity: 1.00000
Unit: Each
Starting Bid Price: \$0.00

Manufacturer:
Manufacturer Part Number:
Product/Category Number:
Serial Number:
Specification Number:

Requested Delivery Date:
Drawing Number:
Piece Number:
Color:
Size:
Model Number:
Warranty:

Ship To

/ 334-242-6057
ALA DEPT OF TRANSPORTATION STATEWIDE

Bill To

CARISSA ADAMS / 334-242-6057
ALA DEPT OF TRANSPORTATION ACCOUNTING DIVISION
1409 COLISEUM BLVD.
MONTGOMERY, AL 36110
USA
Billing Instructions:

AL 00000
USA

Free on Board:
Shipping Method:
Shipping Instructions:
MSDS Required?: No
Hazardous Materials:
Handling Instructions:
Packing Instructions:
Detailed Instructions:
Additional Instructions:

Lot 1, Line 27

Commodity Code: 07042760000 VEHICLES, UTILITY, TWO AND FOUR WHEEL
DRIVE
Specifications:
Description: VEHICLE, FULL-SIZE SUV, LAW ENFORCEMENT, STANDARD
SPECIFICATIONS/FEATURES, MAKE: _____ MODEL: _____ FORD
INTERCEPTOR UTILITY AWD

Line Type: Item

Quantity: 1.00000
Unit: Each
Starting Bid Price: \$0.00



**State of Alabama
Department of Finance
Division of Purchasing
Master Agreement
Modification**

CONTRACT INFORMATION**MASTER AGREEMENT NUMBER:** MA 999 16000000002**NOT TO EXCEED AMOUNT:**

Begin Date: 11/16/2015

Procurement Folder: 4411

Expiration Date: 11/15/2016

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 01/04/16

Version Number: 4

CONTACT INFORMATION**REQUESTOR:**

Crist Watts

242-4291

crist.watts@purchasing.alabama.gov

ISSUER:

Crist Watts

242-4291

crist.watts@purchasing.alabama.gov

BUYER:

Crist Watts

242-4291

crist.watts@purchasing.alabama.gov

CONTRACT DESCRIPTION

11911 - Vehicles & Motorcycles - Law Enforcement

Ship To:**Bill To:****REASON FOR MODIFICATION****VENDOR INFORMATION****Name /Address:****Contact:**

VU000042177: Stivers Ford Lincoln

Billy Bruce

3346135000 EXT: 5056

Bbruce@Stiversonline.Com

4000 Eastern Boulevard

Montgomery AL 36116

COMMODITY / SERVICE INFORMATION

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	EA	\$24,996.000000	\$0.00			\$0.00	\$0.00
07006310000 - SEDAN, FULL AND MID SIZE, POLICE ADMIN. SEDAN, FULL&MID SIZE, POLICE ADMIN. Chevrolet Caprice Vehicle, Full-Size Sedan, Law Enforcement, Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Caprice								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
2	0	EA	\$18,996.000000	\$0.00			\$0.00	\$0.00
07006310000 - SEDAN, FULL AND MID SIZE, POLICE ADMIN. SEDAN, FULL AND MID SIZE, POLICE ADMIN. Chevrolet Impala Vehicle, Full-Size Sedan, Law Enforcement, Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Impala								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
3	0	EA	\$19,296.000000	\$0.00			\$0.00	\$0.00
07042760000 - VEHICLES, UTILITY, TWO AND FOUR WHEEL DRIVE VEHICLES, UTILITY, TWO&FOUR WHEEL DRIVE Chevrolet Suburban Vehicle, Full-Size SUV, Law Enforcement (Severe Service, Not Pursuit Rated), Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Suburban								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
4	0	EA	\$13,596.000000	\$0.00			\$0.00	\$0.00
07042760000 - VEHICLES, UTILITY, TWO AND FOUR WHEEL DRIVE VEHICLES, UTILITY, TWO&FOUR WHEEL DR Chevrolet Tahoe PPV Vehicle, Full-Size SUV, Law Enforcement, 2-Wheel Drive (Patrol Rated), Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Tahoe PPV								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
5	0	EA	\$15,766.000000	\$0.00			\$0.00	\$0.00
07042760000 - VEHICLES, UTILITY, TWO AND FOUR WHEEL DRIVE VEHICLES, UTILITY, TWO&FOUR WHEEL DR, Chevrolet Tahoe SSV Vehicle, Full-Size SUV, Law Enforcement, 4-Wheel Drive (Not Pursuit Rated), Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Tahoe SSV								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
6	0	EA	\$18,576.000000	\$0.00			\$0.00	\$0.00
07048550000 - TRUCKS, PICKUP, 1/2 TON TRUCKS, PICKUP, 1/2 TON. Chevrolet Silverado 1500 Vehicle, Full-Size Truck, Law Enforcement (Not Pursuit Rated), Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Silverado 1500								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
7	0	EA	\$23,386.000000	\$0.00			\$0.00	\$0.00
07093290000 - VANS, PASSENGER VANS, PASSENGER, Chevrolet Express Vehicle, Transport Van, Minimum 12-Passenger Capacity, Law Enforcement (Not Pursuit Rated), Standard Specifications/Features, Make: _____ Model: _____ Chevrolet Express								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
8	0	EA	\$0.000000	\$0.00			\$0.00	\$0.00
06066200000 - MISCELLANEOUS PARTS, OPTIONS AND ACCESSORIES MISCELLANEOUS PARTS, OPTIONS AND ACCESSORIES								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
9	0	EA	\$0.000000	\$0.00			\$0.00	\$0.00

COMMODITY / SERVICE INFORMATION

07048571553 - 4 WHEEL DRIVE, EXTENDED CAB

4 WHEEL DRIVE, EXTENDED CAB, Ford F150

Vehicle, Full-Size Truck, Extended Cab, 4-Wheel Drive, Enforcement (Not Pursuit Rated), Standard Specifications/Features, Make: _____ Model: _____ Ford 150

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
8	0	EA	\$24,148.000000	\$0.00			\$0.00	\$0.00

07042760000 - VEHICLES, UTILITY, TWO AND FOUR WHEEL DRIVE

VEHICLES, UTILITY, TWO & FOUR WHEEL, Ford Interceptor Utility AWD

Vehicle, Full-Size SUV, Law Enforcement, Standard Specifications/Features, Make: _____ Model: _____ Ford Interceptor Utility AWD

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
9	0	EA	\$25,226.000000	\$0.00			\$0.00	\$0.00

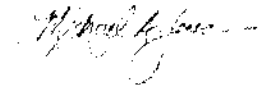
07093290000 - VANS, PASSENGER

VANS, PASSENGER, Ford Transit E350

Vehicle, Transport Van, Minimum 12-Passenger Capacity, Law Enforcement (Not Pursuit Rated), Standard Specifications/Features, Make: _____ Model: _____ Ford Transit E350

All terms, conditions, and any amendments to solicitation are part of this contract as if fully reproduced herein.

Approved:



Purchasing Director

APPROVALS

Date	Status Before	Status After	Approver
01/04/2016 04:14:47 PM	Pending	Approved	patrick.bennett

RESOLUTION NO. 073-16

Tax Abatement Agreement - Mando America Corp.

RESOLUTION NO. _____

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

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

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

WHEREAS, the Project, involving the purchase and acquisition of new manufacturing machinery and equipment and the acquisition of other personal property, will involve a capital investment of approximately nineteen million four hundred twenty six thousand two hundred and thirty two dollars (\$19,426,232.00); and

WHEREAS, the Project is estimated to be placed in service by December 31, 2016; and

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

WHEREAS, the Project is expected to result in the creation of approximately thirty-two (32) new jobs; and

WHEREAS, the Company's NAICS Code 336330 meets the qualifications of an industrial or research enterprise in accordance with §40-9B-3(6), *Code of Alabama*, as amended; and

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

WHEREAS, pursuant to Article IV of Chapter 51 of Title 11, *Code of Alabama*, the Company has requested from the City a complete exemption of non-educational City ad valorem taxes for the new machinery, equipment and other new personal property to be acquired and installed in the Facility (the "Project"); and

WHEREAS, the City has considered the request of the Company and the completed application filed by the Company in connection with its request; and

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

WHEREAS, the Project will involve a capital investment of approximately nineteen million four hundred twenty six thousand two hundred and thirty two dollars (\$19,426,232.00); and

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

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

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

WHEREAS, the City wishes to secure the numerous and significant benefits to the City, its business community and residents that will likely result from the expanded use of the Facility due to the installation of said new machinery, equipment and other new personal property.

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

1. Approval is hereby given to application of the Company and abatement is hereby authorized of (1) all state and local non-educational property taxes for a period of ten (10) years; and (2) all construction related transactions (sales and use) taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education.

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

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

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

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

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

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

ADOPTED AND APPROVED this the _____ day of _____, 2016.

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

ATTEST:

CITY CLERK

Tax Abatement Agreement

This Abatement Agreement is made and entered into as of this 5th day of April, 2016, by and between The City of Opelika (the Granting Authority), and Mando America Corporation (the Company), its successors and assigns.

WHEREAS, the Company's North American Industry Classification System (NAICS) Code, 336330 or business activity _____ meets the qualifications of an industrial or research enterprise in accordance with Section 40-9B-3(10), **Code of Alabama 1975**, as amended; and

WHEREAS, the Company has announced plans for a (check one):

☐ new project or ☒ major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority;

WHEREAS, the Project is estimated to be completed by the 31st day of December, 2016; and

WHEREAS the Project will be located in the County of Lee (check only one)

☒ inside the city limits of Opelika.

☐ inside the police jurisdiction of _____.

☐ outside the city limits and police jurisdiction of the City of _____; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of: (check all that apply)

☒ all state and local noneducational property taxes,

☒ all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

☐ all mortgage and recording taxes with respect to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the public authority, county or municipal government;

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications filed with the Granting Authority by the Company, in connection with its request; and

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

WHEREAS, at its meeting held on the 5th day of April, 2016 (the Meeting), the Granting Authority approved the Company's application for abatement of (check all that apply):

☒ all state and local noneducational property taxes;

☒ All construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education; and/or

☐ all mortgage and recording taxes with respect to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the public authority, county or municipal government;

WHEREAS, the Project will consist of private use industrial development property, which is composed of all real and/or related personal property to be acquired, constructed, and installed thereon, as described in Attachment One hereto; and

WHEREAS, the private use industrial development property for which the abatement is applied shall be (check whichever is applicable):

☒ Owned by the entity applying for the abatement,

☐ leased from a public authority, municipal, or county government; and

WHEREAS, in the event that the private use industrial development property is leased from a public authority, municipal, or county government, the lessee shall be treated as the owner of such property for federal income tax purposes; and

WHEREAS, it shall be indicated whether the Granting Authority intends to issue bonds in connection with the private use industrial development property herein described, and, if so intends, shall attach a copy of the inducement agreement; and

WHEREAS, for the purposes of abatement of all noneducational property taxes (if applicable), it has been determined that no portion of the Project has been placed in service or operation by the Company or by a related party, as defined in 26 U.S.C. §267, with respect to the Company prior to the Effective Date of this Agreement; and

WHEREAS, for the purposes of the abatement of construction related transaction taxes (if applicable), no portion of the Project which has been requested for abatement has been purchased prior to the Effective Date of this Agreement; and

WHEREAS, the Project conducts trade or business as defined as an industrial or research enterprise:

Predominately as described in the 2012 North American Industry Classification System, promulgated by the Executive Office of the President of the United States, Office of Management and Budget, Sectors 31 (other than National Industry 311811), 32, 33, 55 (if not for the production of electricity); Subsectors 423, 424, 482, 493, 511, 517, 518 (without regard to the premise that data processing and related services be performed in conjunction with a third party), and 927; Industry Groups 1133, 2121, 4862, 4882, 4883 (other than 48833), 5121 (other than 51213), 5415, and 5417; Industries 48691, 48699, 48819, 51221, 51913, 52232, 54133, 54134, 54138, 56291, 56292, and 92811; and National Industries 115111, 22111, 221330, 541614, 561422 (other than establishments that originate telephone calls), 562213, and 611512 or any similar classification system developed in conjunction with the United States Department of Commerce or Office of Management and Budget, or any industrial or research enterprise as defined in Section 40-9B-3(a)(10), **Code of Alabama 1975**, as amended, or a target of the state's economic development efforts pursuant to the Accelerate Alabama Strategic Economic Development Plan adopted in January 2012 by the Alabama Economic Development Alliance, created by Executive Order Number 21 of the Governor on July 18, 2011, or any amended version or successor document thereto,

A headquarters facility project as described in NAICS 551114 at which not less than 50 jobs are located,

A data processing center as defined in Section 40-9B-3(a)(4), **Code of Alabama 1975**,

A research and development facility as defined in Section 40-9B-3(a)(23), **Code of Alabama 1975**,
 A renewable energy facility as defined in Section 40-9B-3(a)(22), **Code of Alabama 1975**,
 A facility that produces electricity from alternative energy resources or hydropower production as defined in
 Section 40-9B-3(a)(10)e, **Code of Alabama 1975**, or
 A tourism destination attraction as defined in Section 40-9B-3(a)(25), **Code of Alabama 1975**;

WHEREAS, if the Project is a major addition to an existing facility, the request for abatement of all state and local noneducational property taxes (if applicable) and/or construction related transaction taxes (if applicable) does not include any capitalized repairs, rebuilds, maintenance, replacement equipment, or costs associated with the renovating or remodeling of existing facilities of industrial development property previously placed in service by the Company; and

WHEREAS, if the Project is a major addition to an existing facility the addition equals the lesser of (i) thirty (30) percent of the original cost of the industrial development property, or (ii) \$2,000,000; and

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

WHEREAS, the Granting Authority represents and warrants to the Company (a) that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of this Agreement, (b) that the execution of this Agreement on its behalf has been duly authorized by resolution adopted by the governing body of the Granting Authority;

NOW, THEREFORE, the Granting Authority and the company, in consideration of the mutual promises and benefits specified herein, hereby agree as follows:

In accordance with the Act, the Granting Authority hereby grants to the Company an abatement from liability for the following taxes as permitted by the Act (check all that apply):

☒ (a) Noneducational Property Taxes: all state and local noneducational property taxes that are not required to be used for educational purposes or for capital improvements for education for 10 years,

☒ (b) Construction Related Transaction Taxes: the transaction taxes imposed by Chapter 23 of Title 40 **Code of Alabama 1975** on the tangible personal property and taxable services to be incorporated into the Project, the cost of which may be added to the capital account with respect to the Project, except for those local construction related transaction taxes levied for educational purposes or for capital improvements for education; and/or

☐ (c) Mortgage and Recording Taxes: all taxes imposed by Chapter 22 of Title 40 **Code of Alabama 1975** relating to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the Granting Authority with respect to the Project.

2. An estimate of the amount of tax abated pursuant to this Agreement is set forth below. The Granting Authority and the Company hereby acknowledge that this estimate reflects the amount of tax abated for the period stated, under current law, and that the actual abatement for such taxes may be for a greater or lesser amount depending upon the actual amount of such taxes levied during the abatement periods stated. (Check all that apply):

☐ (a) If no bonds are to be issued, noneducational property taxes are expected to be approximately \$ 74,900 per year and the maximum period for such abatement shall extend for a period of 10 years, measured as provided in Section 40-9B-3(a)(12) of the Act, as amended from time to time.

- ☐ (b) If bonds are issued, noneducational property taxes are expected to be approximately \$_____ per year and the maximum period for such abatement shall be valid for a period of _____ years, beginning the initial date bonds are issued to finance project.
- ☒ (c) Construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, are expected to be approximately \$ 689,432 and such abatement shall not extend beyond the date the Project is placed in service.
- (d) Mortgage and recording taxes are expected to be \$_____.

3. The Company hereby makes the following good faith projections:

- (a) Amount to be invested in the Project: \$ 19,426,232 ;
- b) Number of individuals to be employed initially at the Project and in each of the succeeding three years:
Initially 23 Year 1 9 Year 2 _____ Year 3 _____;
- (c) Annual payroll initially at the Project and in each of the succeeding three years:
Initially \$ 690,000 Year 1 \$ 270,000 Year 2 \$ _____ Year 3 \$ _____;

4. The Company shall file with the Alabama Department of Revenue within 90 days after the date of the Meeting a copy of this agreement as required by Section 40-9B-6(c) of the Act.

GENERALLY

5. Compliance. If the Company fails to comply with any provision in this Agreement or if any of the material statements contained herein or in Attachment Two (*Note: This attachment shall include the application for abatement*), are determined to have been misrepresented whether intentionally, negligently, or otherwise, the Granting Authority shall terminate this Agreement and take such equitable action available to it as if this Agreement had never existed. If it is determined that certain items, which are identified on the application form for abatement of taxes, are not in compliance with the Act or governing regulations, these items may be subject to taxation for all local and state taxing authorities.

6. Binding Agreement. Each party to this Agreement hereby represents and warrants that the person executing this Agreement on behalf of the party is authorized to do so and that this Agreement shall be binding and enforceable when duly executed and delivered by each party. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective successors.

7. Limitations. Notwithstanding any provision contained herein to the contrary, this Agreement is limited solely to the abatement of (check all that apply):

- ☒ all state and local noneducational property taxes,
- ☒ all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- ☐ all mortgage and recording taxes for the periods specified herein. Nothing in this Agreement shall be construed as a waiver by the Company of any greater benefits that the Project or any portion thereof may have available under the provisions of the law other than the Act.

8. Severability. This Agreement may be amended or terminated upon mutual consent of the Company and the Granting Authority. Any such amendment or termination shall not in any manner affect the rights and duties by and between the Company and the Granting Authority.

This Agreement is executed as of the dates specified below.

Mando America Corporation
(the Company)

The City of Opelika
(the Granting Authority)

By: _____

By: _____

Name: _____

Name: Gary Fuller

Title: _____

Title: Mayor

Date: _____

Date: 4/5/2016



ALABAMA DEPARTMENT OF REVENUE

Application to Granting Authority for Abatement of Taxes

Under Chapter 9B, Title 40, Code of Alabama 1975

Noneducational Sales and Use Taxes, Noneducational Property Taxes, and/or Mortgage and Recording Taxes

This form is to be submitted to the granting authority for consideration in granting an abatement of all state and local noneducational property taxes, all construction related transaction (sales and use) taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or mortgage and recording fees, in accordance with the provisions of Section 40-9B-1 et seq., Code of Alabama 1975.

1a. TYPE OF ABATEMENT APPLYING FOR:	2. PROJECT NAICS CODE:						
☒ Sales & Use Taxes ☒ Property Taxes ☐ Mortgage & Recording Taxes	<table border="1"><tr><td>3</td><td>3</td><td>6</td><td>3</td><td>3</td><td>0</td></tr></table>	3	3	6	3	3	0
3	3	6	3	3	0		
1b. IS APPLICANT REQUESTING PROPERTY TAX ABATEMENT FOR A PERIOD LONGER THAN 10 YEARS?	3. TYPE OF PROJECT:						
☐ Yes ☒ No	☐ New Project ☒ Major Addition To An Existing Facility						

4. DOES MAJOR ADDITION EQUAL THE LESSER OF: (CHECK APPLICABLE BOX)

☒ \$2,000,000 - OR - ☐ 30% of original cost of existing property, original cost \$ _____

5. PROJECT APPLICANT:

DBA:

Mando America Corporation

6. ADDRESS OF APPLICANT:

CITY:

STATE:

ZIP CODE:

4201 Northpark Drive

Opelika

AL

36801

7. NAME OF CONTACT PERSON:

EMAIL ADDRESS:

TELEPHONE NUMBER:

Sanghyun Choi

sanghyun.choi@halla.com

(334) 364-3725

8. DATE COMPANY ORGANIZED:

12/31/2009

9. PHYSICAL LOCATION OF PROJECT:

4200-4201 Northpark Drive

CITY (IF OUTSIDE CITY LIMITS, PLEASE INDICATE):

COUNTY:

ZIP CODE:

Opelika

Lee

36801

10. BRIEF DESCRIPTION OF PROJECT (ATTACH A COMPLETE AND DETAILED LISTING OF PROJECT PROPERTY COSTS TO ENABLE A COST/BENEFIT ANALYSIS BY GRANTING AUTHORITY):

Installation of New Manufacturing Equipment, Tools, Fixtures, and Software

11. ESTIMATED DATE CONSTRUCTION WILL BEGIN:

12. ESTIMATED DATE CONSTRUCTION WILL BE COMPLETED:

13. ESTIMATED DATE PROPERTY WILL BE PLACED IN SERVICE:

April 15, 2016

December 31, 2016

December 31, 2016

14. HAVE BONDS BEEN ISSUED FOR PROJECT:

15. WILL BONDS BE ISSUED FOR PROJECT

☒ No ☐ Yes If yes, date bonds issued:

☒ No ☐ Yes If yes, projected date of issue:

16. ESTIMATED NUMBER OF NEW EMPLOYEES	17. ESTIMATED ANNUAL PAYROLL OF NEW EMPLOYEES	Estimated Investment for Project	18. COST OR VALUE FOR PROPERTY TAX	19. COST SUBJECT TO SALES TAX
INITIALLY	INITIALLY		18a	
23	\$ 690,000	a. Land (if donated, show market value)		XXXXXXXXXX
YEAR 1	YEAR 1		18b	
9	\$ 270,000	b. Existing Building(s) (if any)		XXXXXXXXXX
YEAR 2	YEAR 2		18c	
		c. Existing Personal Property (if any)		XXXXXXXXXX
YEAR 3	YEAR 3		18d	19d
		d. New Building(s) and/or New Additions to Existing Building(s) (19d = building materials only)		
This form may be used as the application to the granting authority required by Section 40-9B-6(a), Code of Alabama 1975. The information requested here is required by Section 40-9B-6 and Section 40-2-11(7), Code of Alabama 1975.		e. New Manufacturing Machinery	18e	19e
			\$ 16,871,547	\$ 16,871,547
		f. Other New Personal Property (non-mfg machinery, office equipment, computers, etc.)	18f	19f
			\$ 2,554,685	\$ 2,554,685
		g. TOTALS (PROPERTY TAX TOTAL MUST EQUAL TOTAL PROJECT INVESTMENT. SALES TAX TOTAL WILL BE LESS.)	18g	19g
			\$ 19,426,232	\$ 19,426,232

The abatement of noneducational property taxes is based on the market value of specific assets; therefore, the actual amount of taxes abated is determined each year as the property is assessed and valued. An abatement of noneducational sales and use taxes shall apply only to tangible personal property and taxable services incorporated into private use industrial property, the cost which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses. No abatement of sales and use taxes shall extend beyond the date private use industrial property is placed in service. A verification inspection of qualifying property will be conducted by the Alabama Department of Revenue to insure compliance with Section 40-9B-1 et seq., Code of Alabama 1975, as amended.

I hereby affirm that, to the best of my knowledge and belief, the information in this application and any accompanying statement, schedules, and other information is true, correct and complete

NAME (PRINT)

SIGNATURE

TITLE

DATE

Packet Pg. 63

Attachment: Mando Form CO CAA (Final) (073-16 : Amended Tax Abatement - Mando)

Instructions for Preparing Application to Granting Authority for Abatement of Taxes (Form CO: CAA)

Under Chapter 9B of Title 40, *Code of Alabama 1975*

GENERAL INSTRUCTIONS

Chapter 9B, Title 40, *Code of Alabama 1975*, provides for an abatement of all state and local noneducational property taxes, all construction related transaction taxes (sales and use taxes), except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or all mortgage and recording taxes relating to mortgages, deeds, and documents used to issue or secure obligations and convey title into or out of the name of a public authority, county or municipal government.

This form is to be submitted to the granting authority for consideration in granting an abatement of noneducational sales and use taxes, noneducational property taxes, and/or mortgage and recording taxes. **If you have any questions about this form or the abatement of taxes in general, please contact the Alabama Department of Revenue at (334) 242-1175.**

A complete and detailed listing of project costs should be attached to this application in order for the granting authority to make a cost/benefit analysis in accordance with Section 40-9B-6(a).

STATUTORY REQUIREMENTS FOR ABATEMENTS

The following are qualifying business activities under Section 40-9B-3, *Code of Alabama 1975*:

- Industrial or Research Enterprise – Any trade or business in the 2007 North American Industrial Classification System (NAICS), promulgated by the Executive Office of the President of the United States, Office of Management and Budget as: Sectors 31 (except National Industry 311811), 32, 33, 55 (if not for the production of electricity), Subsectors 423, 424, 482, 493, 511, 517, 518, 927, Industry Groups 1133, 2121, 4862, 4882, 4883 (other than 48833) 5121 (other than 51213), 5415, 5417, Industries 22111, 48691, 48699, 48819, 51221, 51913, 52232, 54133, 54134, 54138, 56291, 56292, 92811, National Industries 115111, 221330, 541614, 561422 (in bound call centers only), 562213, and 611512.
- Subsector 493, Industry Number 488310, or 488320 when such trade or business is conducted on premises in which the Alabama State Port Authority has an ownership, leasehold, or other possessory interest and such premises are used as part of the operations of the Alabama State Port Authority. These projects require written approval of the Governor, Finance Director, and the Director of the Alabama State Port Authority.
- Headquarters Facility – Any trade or business in the 2007 North American Industrial Classification System (NAICS), promulgated by the Executive Office of the President of the United States, Office of Management and Budget as National Industry 551114 at which at least 50 new jobs are located.
- Data Processing Center – An establishment, at which at least 20 new jobs are located, engaged in the provision of complete processing and specialized reports from data, the provision of automated data processing and data entry services, the provision of an infrastructure for hosting or data processing services, the provision of specialized hosting activities, the provision of application service provisioning, the provision of general time-share mainframe facilities, or some combination of the foregoing, without regard to whether any other activities are conducted at the establishment.
- Research & Development Facility – An establishment engaged in conducting original investigations undertaken on a systematic basis to gain new knowledge and/or applying research findings or other scientific knowledge to create new or significantly improved products or processes.
- Renewable Energy Facility – Any plant, property, or facility that either:
 1. Produces electricity or natural gas, in whole or in part, from biofuels as such term is defined in Section 2-2-90(c)(2) or from renewable energy resources as such term is defined in Section 40-18-1(30) with the exception that hydropower production shall be excluded from such definition; or
 2. Produces biofuel as such term is defined in Section 2-2-90(c)(2).
- Alternative Energy Resources Electricity Production Project - A project owned by a utility described in Section 37-4-1(7)a, Code of Alabama 1975, or owned by a company which is itself owned by a utility, at which the predominant trade or business activity conducted will be the production of electricity from alternative energy resources (coal gasification or liquefaction, nuclear and/or advanced fossil-based generation), the capital costs of which are not less than \$100,000,000.
- Hydropower Electricity Production Project - A project owned by a utility described in Section 37-4-1(7)a, or owned by a company which is itself owned by a utility, at which the predominant trade or business activity conducted will be the production of electricity from hydropower production as defined in Section 40-18-1(16), the capital costs of which are not less than \$5,000,000.
- Tourist Destination Attractions – A commercial enterprise which is open to the public not less than 120 days during a calendar year and is designed to attract visitors from inside or outside of the State of Alabama, typically for its inherent cultural value, historical significance, natural or man-made beauty, or entertainment or amusement opportunities. The term shall include, but not be limited to, a cultural or historical site; a botanical garden; a museum; a wildlife park or aquarium open to the public that cares for and displays a collection of animals or fish; an amusement park; a convention hotel and conference center; a water park; or a spectator venue or arena.
- Any of the 11 targeted business sectors under the Accelerate Alabama Strategic Economic Development Plan adopted in January 2012 by the Alabama Economic Development Alliance, created by Executive Order Number 21 of the Governor on July 18, 2011, which include Advanced Manufacturing in Aerospace/Defense, Automotive, Agricultural Products/Food Production, Steel/Metal, Forestry Products and Chemicals; Technology in Biosciences, Information Technology, Enabling Technologies; Distribution/Logistics and Corporate Operations.

LINE BY LINE INSTRUCTIONS

Item 1a. Indicate the type(s) of abatement(s) being requested.

Sales and Use Taxes – Chapter 9B, Title 40, *Code of Alabama 1975*, provides for the abatement of certain noneducational sales and use taxes imposed by Chapter 23 of Title 40, *Code of Alabama 1975*. The abatement applies to the tangible personal property and taxable services incorporated into the project, the cost of which may be added to the capital account with respect to the project. However, only the state and local noneducational sales and use taxes may be abated. No sales and use tax abatement shall extend beyond the date the project is placed in service.

Property Taxes – Chapter 9B, Title 40, *Code of Alabama 1975*, provides for the abatement of noneducational property taxes imposed by the state, counties, municipalities and other taxing jurisdictions in Alabama. Only industrial property not previously placed in service in Alabama by the user or a related party may be eligible for an abatement of noneducational property taxes.

Mortgage And Recording Taxes – Chapter 9B, Title 40, *Code of Alabama 1975*, provides for the abatement of all taxes imposed by Chapter 22 of Title 40 of the *Code of Alabama 1975*, relating to mortgages, deeds, and documents used to issue or secure obligations and convey title into or out of the name of a public authority.

Item 1b. Indicate if applicant is requesting abatement of property taxes for a period longer than 10 years. For any property tax abatement that is granted for over 10 years, the noneducational municipal taxes can only be abated by the City Government, noneducational county taxes can only be abated by the County Government, and state taxes can only be abated by the Governor. The governing body of the municipality and county can authorize a public industrial authority to provide by resolution for such consent on its behalf.

Item 2. If the predominant business activity is a headquarters facility, an industrial or research enterprise as defined in *Code of Alabama 1975* Section 40-9B-3(10)(a) or a state docks project as defined in Section 40-9B-3(10)(b), enter the 2007 North American Industrial Classification System (NAICS) code for the project.

Item 3. Indicate if project is a new project or a major addition.

New Project – Any new business in Alabama at which the predominant trade or business activity conducted will constitute an industrial or research enterprise or other qualifying business activity as described above. If new project, skip Item 4.

Major Addition – Pursuant to Section 40-9B-3(11), a major addition is an addition to an existing facility in which the addition equals the lesser of thirty (30) percent of the original cost of the existing land, buildings, and equipment (industrial development property), or \$2,000,000, and at which the predominant trade or business activity conducted in Alabama will constitute an industrial or research enterprise or other qualifying business activity as described above. Capitalized repairs, rebuilds, maintenance, replacement equipment, or costs associated with the renovating or remodeling of existing facilities of industrial development property previously placed in service in Alabama by the Company are not eligible for abatement under Chapter 9B.

Item 4. Indicate if major addition is in accordance with Section 40-9B-3(11) requirement as denoted above. If major addition does not meet threshold requirement, project is not qualified to receive abatement. Original cost should include the total cost of existing facilities as of the date of application.

Item 5. Enter the name of the private user requesting abatement. If project is doing business under another name, also enter the name of the company under "Doing Business As (DBA)."

Item 6. Enter the address of the private user requesting abatement.

Item 7. Enter the name, email address and telephone number of the person to which all correspondence should be directed regarding the abatement.

Item 8. Enter the date the company was organized.

Item 9. Enter the physical location of the project. Please include a detailed location, including the City, County and Zip Code.

Item 10. Describe the type of business that the project will be engaged in. For projects that do not require a NAICS code, provide a detailed description that will identify the activities as qualifying activities. Attach additional sheets if necessary.

Item 11. Enter the estimated date the construction of the project will begin.

Item 12. Enter the estimated date the construction of the project will be completed. A data processing center project's completion date will be the maximum exemption period allowed pursuant to Section 40-9B-3(12)b.

Item 13. Enter the estimated date the project will be placed in service. If revenue bonds are issued, "placed in service," for property tax purposes, is determined as of the date of the initial issuance of such bonds. Otherwise, with the exception of a data processing center project, "placed in service" for sales and use tax and property tax purposes is determined as the later of 1) the date on which title to the property was acquired by or vested in a county, city, or public authority, or 2) the date on which the property is or becomes owned, for federal income tax purposes, by a private user. A data processing center project's placed in service date will be the maximum exemption period allowed pursuant to Section 40-9B-3(12)b.

Item 14. Indicate if bonds have been issued in financing the project. If bonds have been issued, enter the issuance date.

Item 15. Indicate if bonds will be issued for financing the project. If bonds will be issued, enter the projected issuance date.

Column 16. Enter the estimated number of new employees to be hired at the project. The law requires the number of employees to be employed at the project initially and in each of the succeeding three years.

Column 17. Enter the estimated annual payroll for employees at the project. The law requires the estimated payroll of new employees initially and in each of the succeeding three years.

Column 18.

18a. Enter all costs or value for project land. If land is donated, enter the market value of the land.

18b. Enter all costs or value for existing building(s), if any.

18c. Enter all costs or value for existing personal property to be incorporated into project. Only personal property not previously placed in service in Alabama by the private user or a related party can be included. If a private user is including existing equipment from outside of Alabama, the existing equipment should be entered here at its original cost.

18d. Enter the total cost for new building(s) and/or new additions to existing building(s). Total cost includes building materials, construction costs, engineering costs, etc. Costs associated with renovating or remodeling existing facilities of an operating industrial or research enterprise do not qualify for abatement.

18e. Enter the total cost for new manufacturing equipment to be incorporated into the project. Replacement equipment does not qualify for abate-

ment under Chapter 9B. New equipment that is defined as upgraded equipment may qualify. Upgraded equipment is equipment that replaces existing equipment, and performs not only the same functions, but also an additional function.

18f. Enter the total cost for all other new personal property. Other new personal property may include, but is not limited to, non-manufacturing machinery, office equipment, computers, vehicles, etc. Only personal property that is a depreciable item can be included.

18g. Add 18a through 18f and enter total here. This is the total amount on which the initial property taxes will be based. This total must be the total value of the cost or investment in the project. This total must agree with the total investment amount in the abatement resolution and the total investment amount in the abatement agreement.

Column 19.

19d. Enter the cost of the building materials (subject to sales tax) that become a part of realty for new building(s) and/or new additions to existing building(s). Other building costs (labor, engineering) are not subject to sales tax.

19e. Enter the cost of new manufacturing equipment for the project. For sales tax purposes, manufacturing equipment is taxed at a lower rate. Equipment that is purchased used from another company in an isolated transaction is not subject to sales tax and should not be included.

19f. Enter the cost of all other new personal property.

19g. Add 19d through 19f and enter total here.



ALABAMA DEPARTMENT OF REVENUE
SALES, USE & BUSINESS TAX DIVISION

ST: EX-A2
4/01

Application For Sales and Use Tax Certificate of Exemption For an Industrial or Research Enterprise Project

This Certificate of Exemption will be limited to purchases which qualify for an abatement of sales and use taxes pursuant to **Code of Alabama 1975**, Section 40-9B-1, et seq.

APPLICANT'S LEGAL NAME		FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN)
Mando America Corporation		38-3274493
MAILING ADDRESS		
4201 Northpark Drive		
CITY, STATE, AND ZIP		
Opelika, AL 36801		
ADDRESS OF THE PROJECT SITE		
4200-4201 Northpark Drive		
CONTACT PERSON	IF CONTRACTOR APPLICATION, NAME OF PRIVATE USER	
Sanghyun Choi		
BUSINESS PHONE NUMBER	DATE ABATEMENT WAS GRANTED	ESTIMATED PROJECT COMPLETION DATE PER ABATEMENT AGREEMENT
(334) 364-3725	04/05/2016	12/31/2016

A **prime contractor** must attach written confirmation from the private user that it will be making purchases of tangible personal property to be incorporated into the project referenced above. A **contractor or subcontractor** must attach written confirmation from the private user or the prime contractor that it will be making purchases of tangible personal property to be incorporated into the project referenced above.

The undersigned hereby makes application for a certificate of exemption (Form STE-2) in accordance with the provisions of Sales and Use Tax Rule 810-6-4-.24 and further agrees to abide by the procedures outlined in Sales and Use Tax Rule 810-6-4-.24.01.

Name Sangjin Ahn
(PLEASE PRINT)

Signature [Signature]

Title CFO

Date 3/29/2016

Mail to:

Alabama Department of Revenue
Attn: Abatement Program Administrator
P. O. Box 327001
Montgomery, AL 36132-7001
(334) 242-1175

Attachment: Sales & Use Tax Exemption Mando (073-16 : Amended Tax Abatement - Mando)

RESOLUTION NO. 074-16

Authorizing an Engagement Letter with Rogers Towers, P.A.

WHEREAS, William D. Brinton, a stakeholder with the law firm of Rogers Towers, P.A. (“Rogers Towers”) possesses the required skills and expertise in the area of sign regulations; and

WHEREAS, the City of Opelika heretofore engaged Rogers Towers to provide professional assistance in drafting new sign regulations; and

WHEREAS, Rogers Towers has agreed to consult with the City of Opelika in connection with threatened litigation or the prospect of threatened litigation; and

WHEREAS, such services are beyond the task of revising the City’s sign ordinance; and

WHEREAS, a proposed Engagement Letter to be entered into between the City and Rogers Towers, P.A. has been prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Engagement Letter.

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

1. That the proposed Engagement Letter between the City and Rogers Towers, P.A., a copy of which is attached hereto 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 Engagement Letter.

2. That the Mayor is hereby authorized and directed to execute and deliver said

Engagement Letter in the name and on behalf of the City.

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

4. That all compensation and expenses payable to Rogers Towers, P.A. pursuant to the Engagement Letter shall be paid from the Unassigned Fund Balance.

5. That the Mayor and the Controller are hereby authorized and directed make all necessary budget and accounting entries to carry into effect the intent of this Resolution and the Engagement Letter.

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

ADOPTED AND APPROVED this the _____ day of _____, 2016.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

WILLIAM D. BRINTON

1301 Riverplace Boulevard • Suite 1500
Jacksonville, Florida 32207904 . 346 . 5537
WBrinton@rtlaw.com904 . 398 . 3911 Main
904 . 396 . 0663 Fax
www.rtlaw.com

March 30, 2016

Via E-mail to ggunter@opelika-al.gov and U.S. MailCity of Opelika
Attn.: Guy F. Gunter, III, City Attorney
P.O. Box 390
Opelika, AL 36803**Re: Consultation by Rogers Towers, P.A.
Matters Involving Threatened Litigation**

Dear Mr. Gunter:

On behalf of the firm, I would like to thank you for retaining us to consult with the City of Opelika in connection with threatened litigation or the prospect of litigation. As part of our routine in opening new matters, we provide a letter to the client to confirm our representation (here consultation only) and to describe generally the services to be performed and the basis for compensation.

Nature of Consultation

Upon your execution of this agreement below, this letter will confirm our agreement to consult with the City of Opelika in connection with threatened litigation or the prospect of litigation. We understand that our representation will be limited to this matter at this time. If you desire any additional legal services, please advise us so that we may prepare a separate letter describing those services and the fees to be charged.

Attorney's Fees and Costs

We will charge a substantially reduced rate of \$275 per hour for my time (reduced from \$475 per hour) for attorney's fees for this matter, with a ceiling of \$7,000. Payment of our invoices is due within thirty (30) days. Additionally, our invoices will include any costs we may incur or advance in the course of your representation. Costs may include copy charges, messenger services, long distance telephone charges and other reasonable and necessary charges incurred in the representation.

Additional Terms

In undertaking this representation, we have taken precautions to determine whether the firm has any conflicts of interest with other clients. We are a relatively large firm and we represent many other companies and individuals. It is possible that some of our present or future clients will have disputes or transactions with you during the time that we are representing you. Therefore, as a condition to our undertaking the representation described herein, you agree that this firm may continue to represent existing clients in any manner that is not substantially related

Guy F. Gunter, III
 March 30, 2016
 Page 2

to our work for you described herein, including legal proceedings, even if the interest of such clients in those other matters are directly adverse to the City including representation before any City commission, board, council or any other duly authorized City advisory agency on any matter not directly related to the City's sign regulations. We agree, however, that your prospective consent to conflicting representation contained in the preceding sentence shall not apply in any instance where as the result of our representation of you we have obtained sensitive, proprietary or other confidential information of a non-public nature that, if known to any such other client of ours, could be used in any such other matter by such client to the material disadvantage of you.

Security and Integrity of Communications

During the course of our representation, each of us may have the opportunity to correspond using numerous communication mediums. In addition to traditional delivery methods, such as postal service and telephone, constantly developing technology offers further means that are generally accepted and used by individuals and businesses. For convenience and expediency, each of us may utilize these other means, which include facsimile, cellular and cordless telephones, and electronic mail. It is important to understand that these mediums are not necessarily secure from interception or alteration by others and may not receive protection under state or federal law. Transmitted information is capable of interception and immediate reproduction, alteration, and widespread distribution at relatively little cost or effort. Rogers Towers intends to use these mediums to communicate with you and others during the course of our representation. However, we should each be aware of the security concerns and take these issues into consideration when using these means of communication.

If you find the arrangements outlined above are satisfactory, please sign the enclosed copy and return it to us. If you have any questions about the contents of this letter, or any other matter, we would welcome them. We sincerely appreciate the opportunity to represent you in this matter and we look forward to a pleasant, successful relationship.

Very truly yours,

ROGERS TOWERS, P.A.

By: _____
 William D. Brinton

Accepted and agreed to this ____ day of _____, 2016.

 Guy F. Gunter, III, City Attorney

RESOLUTION NO. 075-16

Special Appropriation, KOB 2016 Garden in the Park.**RESOLUTION NO. _____**

WHEREAS, the Opelika City Council members and Mayor Gary Fuller appreciates and fully supports Keep Opelika Beautiful (KOB) and their various programs; and

WHEREAS, Keep Opelika Beautiful is in need of additional funding to provide their annual 2016 Garden in the Park event; and

WHEREAS, each City Council member would like to participate in a special appropriation from their discretionary reserve fund to sponsor the KOB - Garden in the Park event.

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 a special appropriation from each City Councilman as detailed below to sponsor the 2016 KOB Garden in the Park event:

Patsy Jones	Ward 1	From reserve fund	\$500.00
Larry Gray	Ward 2	From current year acct.	\$500.00
Dozier Smith T	Ward 3	From current year acct.	\$500.00
Eddie Smith	Ward 4	From reserve fund	\$500.00
David Canon	Ward 5	From current year acct.	\$500.00

2. The City Council hereby declares and determines that said appropriation of public funds to be utilized by Keep Opelika Beautiful will serve a public purpose.
3. That the Mayor and the Controller is hereby authorized and directed to

transfer \$2,500.00 as detailed in no. 1 above to the appropriate account.

4. That the City Clerk-Treasurer is hereby authorized to prepare and process the appropriate document(s) so a check for \$2,500.00 payable to Keep Opelika Beautiful and earmarked for their 2016 Garden in the Park event.

ADOPTED and APPROVED this the ____ day of _____, 2016.

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 076-16

2016 Resurfacing Project Change Order - Engineering.

RESOLUTION NO. _____

**RESOLUTION APPROVING CHANGE ORDER TO AMEND THE AWARD
AMOUNT OF THE CONTRACT WITH EAST ALABAMA PAVING CO., INC.,
FOR CITYWIDE RESURFACING PROJECT**

WHEREAS, pursuant to Resolution No. 037-16 adopted on February 16, 2016, the City of Opelika, Alabama, (the “City”) awarded a contract with East Alabama Paving Co., Inc., for street paving and resurfacing (the “Project”); and

WHEREAS, during the resurfacing of certain streets it became apparent that changes to the plans were necessary to achieve the scope of the Project; and

WHEREAS, because of the poor condition, and age of many of the streets, additional asphalt for patching, and leveling were needed to complete the Project; and

WHEREAS, the original bid contract was \$1,149,203.20; and

WHEREAS, staff is requesting authorization to increase the contract amount by \$350,000 to achieve the scope of the Project; and

WHEREAS, staff recommends amending the award amount of the contract from \$1,149,203.20 to \$1,499,203.20.

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

1. That the City Council hereby approves a Change Order for \$350,000 based on

staff recommendations to amend the award amount of the contract with East Alabama Paving Co., Inc., from \$1,149,203.20 to \$1,499,203.20.

2. That the City Council hereby authorizes the Mayor to execute the Change Order.
3. That the additional outlays to complete the Project shall be paid from the 2016 Capital Outlay Account.
4. That the Mayor and Controller are hereby authorized to make such budget adjustments and accounting entries as necessary to carry into effect the provisions of this Resolution and Change Order
5. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other contracts, notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution
6. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____,
2016.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 077-16

Expense Report, Add-On

RESOLUTION NO. _____

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

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

Employee	Department	\$ Amount
-----	-----	
Guy Gunter	City Attorney	277.98

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

ADOPTED and APPROVED this the ____ day of _____, 2016.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

NAME

Name Guy F. Gunter, III

DEPARTMENT

Department Legal

PERIOD ENDING

4/2/2016

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOT.
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												0.
MON												0.
TUE												0.
WED												0.
THU 3/31	Birmingham, AL	128.08				57.24			35.42			220.
FRI 4/1	Birmingham, AL											0.
SAT 4/2	Birmingham, AL					57.24						57.
WEEKLY CATEGORY TOTALS \$		128.08	0.00	0.00	0.00	114.48	0.00	0.00	35.42	0.00	0.00	277.

WEEKLY TOTAL EXPENSES

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

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

NUMBER OF DAYS AWAY FROM HOME

2

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Spring Municipal Law Conference 3/31/16-
4/1/2016

METHOD OF REIMBURSEMENT

DEDUCT FROM
MY ADVANCE

MAIL: TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
3/31	106 Miles from Opelika to Birmingham	57.24
4/2	106 Miles from Birmingham to Opelika	57.24

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Guy F. Gunter, III

City Attorney

Opelika, AL 36801

SIGNATURE

APPROVED BY

ORDINANCE NO. (ID # 1600)

Amend Zoning Ord & Map, from C-2 to C-1, 3.4 Acres on Ave B, Ave C, & 10Th St. - 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 parcels of land hereinafter in this section described, so as to change such parcels from one class of district to another class of district as follows, to-wit:

From a C-2 District (Office/Retail District) to a C-1 District (Downtown Commercial District), the parcels of land hereinafter described:

From a C-2 District (Office/Retail District) to a C-1 District (Downtown Commercial District), the parcels of land hereinafter described:

PARCEL 1

Commencing at the intersection of the Southwest margin of South Tenth Street with the Southeast margin of Avenue B, run thence South 45 degrees, 00 minutes West, a distance of 300 feet to the point of beginning of the property herein to be described and conveyed. From said last mentioned beginning point, run South 45 degrees, 00 minutes East, a distance of 101.0 feet; run thence North 45 degrees, 00 minutes East, for a distance of 100.0 feet; run thence South 45 degrees, 00 minutes East, for a distance of 299.0 feet to a point on the Northwesterly margin of Avenue C; run thence South 45 degrees, 00 minutes West, along the Northwesterly margin of Avenue C, a distance of 393.3 feet to a point on the Northeasterly margin of the right-of-way of the Central of Georgia Railway Company, which point is 8 feet from the center line of a spur track of

said railroad; run thence North 42 degrees, 01 minutes West, along the Northeasterly margin of said railroad right-of-way, a distance of 201.2 feet; run thence North 47 degrees, 57 minutes East, a distance of 30.7 feet; run thence North 43 degrees, 00 minutes West, a distance of 200.8 feet to a point on the Southeasterly margin of Avenue B; run thence North 45 degrees, 00 minutes East, a distance of 245.6 feet to the point of beginning. The above described parcel is further described as 1015 Avenue B (Fire Station 1) and 1010 Avenue C (formerly developed as the old Opelika Service Building).

PARCEL 2

Commencing at the Northwest corner of the Northeast quarter of Section 18, Township 19 North, Range 27 East in the City of Opelika, Lee County, Alabama, thence run South 45.4 feet; thence run East, 106.3 feet to a point on the Southeasterly margin of Avenue C, which point is the point of beginning of the real estate here to be described and conveyed; from said point of beginning thence run North 47 degrees 36 minutes East, along and with the said Southeasterly margin of Avenue C, 84.5 feet; thence run North 88 degrees 23 minutes East, along and with the Southerly margin of an alley, 303.4 feet to a point on the Southwesterly margin of Tenth Street, 10.0 feet; thence run South 26 degrees 01 minutes West, along and with the Northwesterly margin of an alley, 629.4 feet to a point on the Northeasterly margin of the right-of-way of the Central of Georgia Railroad; thence run North 39 degrees 29 minutes West along and with the said Northeasterly margin of the right-of-way of the Central of Georgia Railroad, 229.3 feet; thence run North 25 degrees 28 minutes East, 223.6 feet; thence run North 41 degrees 59 minutes West, 43.9 feet; thence run North 26 degrees 03 minutes East, 55.1 feet; thence run North 41 degrees 32 minutes West, 62.3 feet to a point on the said Southeasterly margin of Avenue C and the point of beginning; together with all buildings and improvements thereon and appurtenances thereunto appertaining; and being situated in Sections 7 and 18, Township 19 North, Range 27 East, in the City of Opelika, Lee County, Alabama. The above described parcel is further described as 405 South 10th 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 _____, 2016.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2016.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 109-16-ORD

Amend City Code, Funeral Escort Services - OPD. - 1St Reading.

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING GUIDELINES
FOR FUNERAL ESCORT SERVICES**

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

Section 1. **Amendment.** That Chapter 22 of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended by adding a new section to be Section 22-5 which said section shall read as follows:

Sec. 22-5 Guidelines for Funeral Escort Services.

The Opelika Police Department is hereby authorized to provide funeral escort services within the City of Opelika corporate limits when so requested. The below listed guidelines will assist police officers in the coordination, scheduling and implementation of escort services:

1. The Police Department will only provide escorts for funeral processions from the location of the service (funeral home or church) to the burial site (if within the city limits) or to the city limits (if the burial takes place outside of the City). All privately owned and funeral home vehicles in the procession will be encouraged to activate their headlights for safety. Police vehicles may use their headlights, blue lights and flashing lights during the funeral escort and their sirens to gain the attention of motorists.

2. Funeral homes will be required to notify the Communications Division of the Opelika Police Department a minimum of twenty-four (24) hours prior to the escort time and date. The request will include the time, date, location of service and location of burial. All requests must be made a minimum of twenty-four (24) hours before the escort except requests for services on Sundays or Mondays must be received no later than 9:00 a.m. on the Friday preceding the escort date.

3. If a funeral escort originates outside the city limits and enters the City, or originates inside the City and travels outside the city limits, it will be the responsibility of the funeral home to contact the law enforcement agency with jurisdiction outside the city limits along the path of the escort route to assume the responsibility for the escort once the procession leaves the city limits. The Patrol Division will coordinate with outside agencies once that information is provided to the Police Department from the funeral home handling the services.
4. The use of on-duty personnel is approved provided that adequate personnel are available to address the service demands for the time period, to include but not limited to: patrol coverage, traffic enforcement, calls for service demands, school crossings, etc.
5. The procession will travel in the far right traffic lane at or below the posted speed limit at all times unless roadway construction or other problems are encountered. At that point, the lead police vehicle will establish the safest traffic lane to operate the procession in.
6. All state and local traffic laws as well as City and departmental policies that regulate emergency and non-emergency vehicle operation will be followed.
7. The safety of the public at intersections is paramount, and the officer's attention will be on his/her assignment of stopping and/or controlling traffic at signalized or signed intersections to allow safe passage of the funeral procession.
8. The Police Department will maintain and report annual statistics on funeral escorts to include the number of escort requests, off-duty hours expended, on-duty hours expended and any other pertinent statistical facts for planning and review.
9. During peak times of the year, personnel may not be available to staff a funeral procession. The Patrol Division will notify the funeral home handling the services if adequate personnel are not available.

Section 2. **Severability.** The provisions of this section are declared to be severable. If any of the provisions of this section are held to be invalid or unconstitutional by any court of

competent jurisdiction, this determination will not affect, impair or invalidate the remainder of this section but shall be confined in its operation to the this section, paragraph, subparagraph, clause or phrase of this section in which such determination shall have been made.

Section 3. **Effective Date.** This Ordinance and the section herein adopted shall take effect and be enforced immediately upon its adoption and publication as required by law.

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 a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2016.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2016.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 110-16-ORD

Convey Property to Bush Properties - Engineering. - 1St Reading.

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY
TO BUSH PROPERTIES, INC.**

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

Section 1. It is hereby established and declared that the following described real property of the City of Opelika, Alabama, is no longer needed for public or municipal purposes, to-wit:

PARCEL 1 TRACT 2

All that tract or parcel of land lying and being in Section 24, Township 19 North, Range 26 East, City of Opelika, Lee County Alabama and being more particularly described as follows:

Commence at the Northwest Corner of Section 24, Township 19 North, Range 26 East, City of Opelika, Lee County, Alabama; thence running S 89°20'22" E a distance of 50.00 feet to a point; thence S 00°20'45" W a distance of 651.52 feet to a point; thence running S 03°30'02" E a distance of 301.68 feet to a point, more or less, said point being 113.79 feet left and opposite Station 12+54.29 on the proposed construction centerline of Bush Road, City of Opelika, Lee County, Alabama Project, which is the **True Point of Beginning**;

Thence running S 89°43'56" E a distance of 609.04 feet to a point 29.13 feet left and opposite Station 19+03.66 on the proposed construction centerline of Bush Road;

Thence along a curve to the right a distance of 67.15 feet, said curve having a radius of 85.00 feet, being subtended by a chord bearing of S 67°39'20" W a

chord distance of 65.42 feet to a point 25.00 feet left and opposite Station 18+14.56 on the proposed construction centerline of Bush Road;

Thence running N 89°42'39" W a distance of 300.76 feet to a point 25.82 feet left and opposite Station 15+16.71 on the proposed construction centerline of Bush Road;

Thence along a curve to the left a distance of 90.22 feet, said curve having a radius of 150.00 feet, being subtended by a chord bearing of S 73°03'28" W a chord distance of 88.87 feet to a point 37.50 feet left and opposite Station 14+42.02 on the proposed construction centerline of Bush Road;

Thence running S 55°49'35" W a distance of 18.87 feet to a point 37.50 feet left and opposite Station 14+23.15 on the proposed construction centerline of Bush Road;

Thence along a curve to the right a distance of 35.71 feet, said curve having a radius of 62.50 feet, being subtended by a chord bearing of S 72°11'43" W a chord distance of 35.23 feet to a point 37.50 feet left and opposite Station 13+66.01 on the proposed construction centerline of Bush Road;

Thence running S 88°33'51" W a distance of 104.51 feet to a point 37.50 feet left and opposite Station 12+61.50 on the proposed construction centerline of Bush Road;

Thence along a curve to the right a distance of 9.51 feet, said curve having a radius of 38.00 feet, being subtended by a chord bearing of N 84°15'57" W a chord distance of 9.49 feet to a point 38.68 feet left and opposite Station 12+52.09 on the proposed construction centerline of Bush Road;

Thence running N 00°14'28" E a distance of 75.14 feet, which is the **True Point of Beginning**;

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel having an area of 23,136.84 Square Feet, (0.531 Acres), as shown on a map prepared by Mulkey Engineers and Consultants, dated September 30, 2011.

Being further described as Parcel 1 Tract 2 according to map or survey prepared by Mulkey Engineers and Consultants, a copy of which is attached hereto and marked Exhibit "A".

PARCEL 5 TRACT 2

All that tract or parcel of land lying and being in Section 24, Township 19 North, Range 26 East, City of Opelika, Lee County Alabama and being more particularly described as follows:

Commence at the Northwest Corner of Section 24, Township 19 North, Range 26 East, City of Opelika, Lee County, Alabama; thence running S 89°20'22" E a distance of 50.00 feet to a point; thence S 00°20'45" W a distance of 651.52 feet to a point; thence running S 89°40'07" E a distance of 704.02 feet to a point; more or less, said point being 39.47 feet left and opposite Station 22+26.07 on the proposed construction centerline of Bush Road, City of Opelika, Lee County, Alabama Project, which is the **True Point of Beginning**;

Thence running S 89°40'07" E a distance of 17.34 feet to a point to a point 25.00 feet left and opposite Station 22+35.63 on the proposed construction centerline of Bush Road;

Thence running S 33°46'56" W a distance of 31.50 feet to a point 25.00 feet left and opposite Station 22+04.13 on the proposed construction centerline of Bush Road;

Thence running N 00°23'09" E a distance of 26.28 feet to a point, which is the **True Point of Beginning**;

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel having an area of 227.94 Square Feet, (0.005 Acres), as shown on a map prepared by Mulkey Engineers and Consultants, dated September 30, 2011.

Being further described as Parcel 5 Tract 2 according to map or survey prepared by Mulkey Engineers and Consultants, a copy of which is attached hereto and marked Exhibit "A".

This conveyance is subject to all easements, limitations, conditions, restrictions and rights-of-way as may appear as a matter of public record or may be evidenced by possession, use or survey.

Section 2. That the Mayor and the City Clerk be and they are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Opelika, Alabama, a Statutory Warranty Deed, a copy of which is on file of the City Clerk, whereby the City of Opelika conveys the premises described in Section 1 hereof to Bush Properties, Inc., a Georgia corporation.

Section 3. That the property described in Section 1 hereof is transferred and conveyed to Bush Properties, Inc., pursuant to and in compliance with a certain Road Construction Project Agreement dated April 8, 2015 by and among the City of Opelika, Lee County and Bush Properties, Inc., a copy of which Agreement is on file in the office of the City Clerk.

Section 4. That the Mayor, City Clerk and other appropriate officers and employees of the City are hereby authorized to take such further actions and execute and deliver such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 5. That this ordinance shall become effective immediately upon its adoption and publication as required by law.

Section 6. 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 published in and of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of April, 2016

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of April, 2016.

CITY CLERK

ACTION BY MAYOR

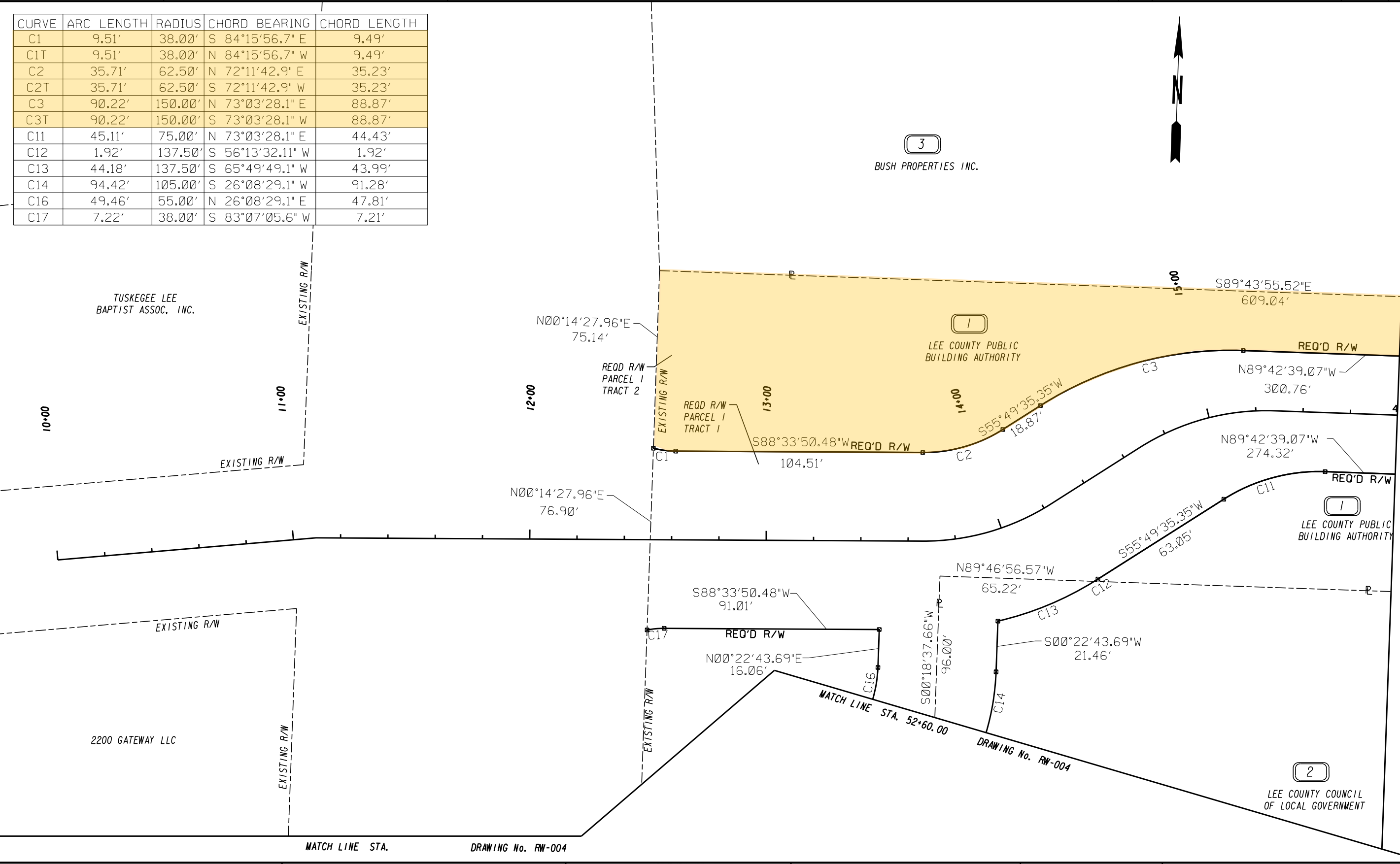
APPROVED this the ____ day of April, 2016.

MAYOR

ATTEST:

CITY CLERK

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	9.51'	38.00'	S 84°15'56.7" E	9.49'
C1T	9.51'	38.00'	N 84°15'56.7" W	9.49'
C2	35.71'	62.50'	N 72°11'42.9" E	35.23'
C2T	35.71'	62.50'	S 72°11'42.9" W	35.23'
C3	90.22'	150.00'	N 73°03'28.1" E	88.87'
C3T	90.22'	150.00'	S 73°03'28.1" W	88.87'
C11	45.11'	75.00'	N 73°03'28.1" E	44.43'
C12	1.92'	137.50'	S 56°13'32.11" W	1.92'
C13	44.18'	137.50'	S 65°49'49.1" W	43.99'
C14	94.42'	105.00'	S 26°08'29.1" W	91.28'
C16	49.46'	55.00'	N 26°08'29.1" E	47.81'
C17	7.22'	38.00'	S 83°07'05.6" W	7.21'



PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

MULKEY
ENGINEERS & CONSULTANTS
1255 CANTON STREET, SUITE G
ROSWELL, GEORGIA 30075
(678) 461-3511

SCALE IN FEET
0 20 40 80

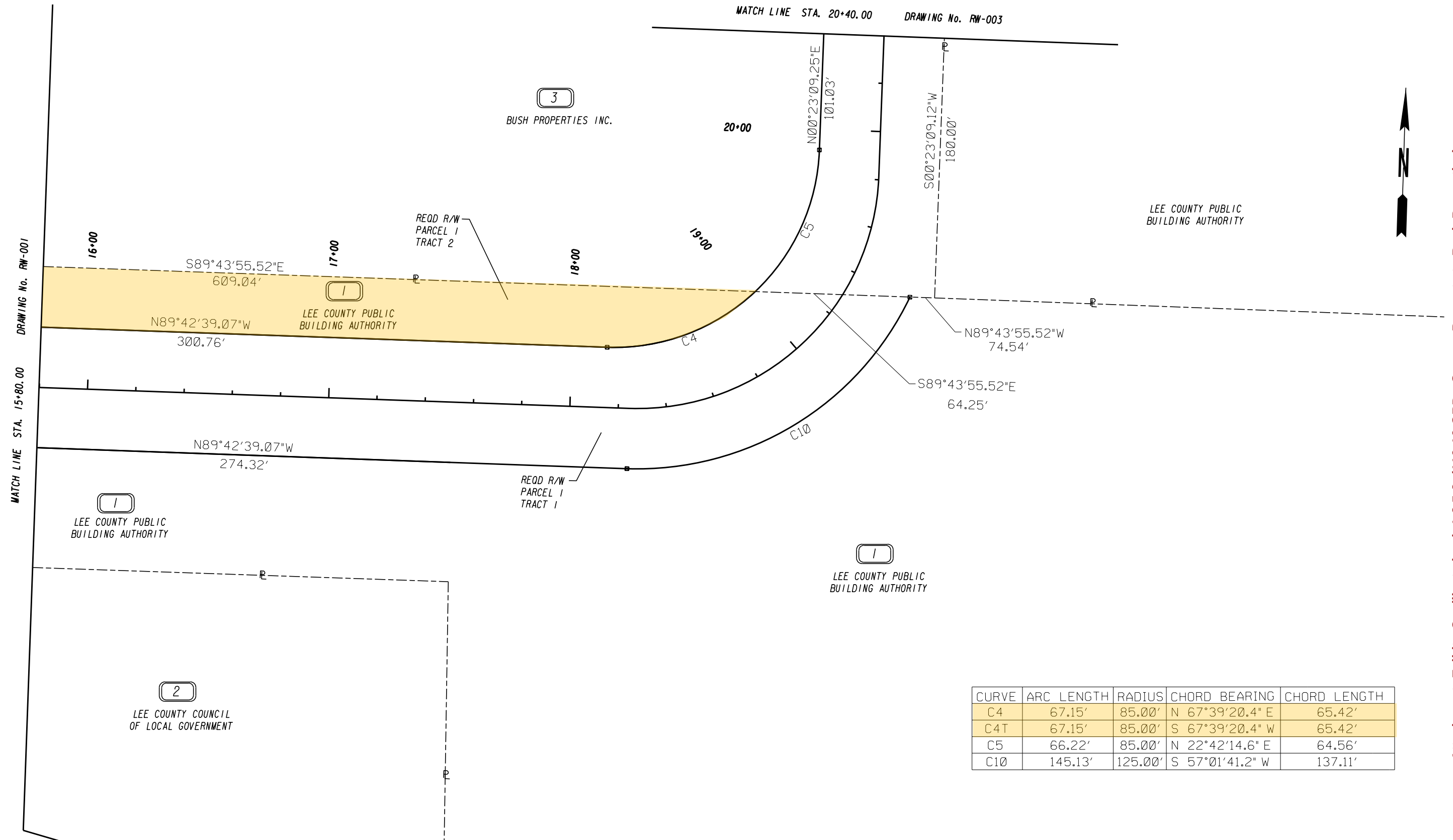
REVISION DATES		

CITY OF OPELIKA
OFFICE:
RIGHT OF WAY PLAN
BUSH ROAD

DRAWING No. 004

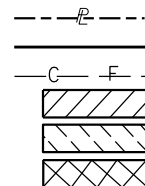
Packet Pg. 95

Attachment: Exhibits-Opelika to bush 1-2 5-2 (110-16-ORD : Convey Property to Bush Properties)



CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C4	67.15'	85.00'	N 67°39'20.4" E	65.42'
C4T	67.15'	85.00'	S 67°39'20.4" W	65.42'
C5	66.22'	85.00'	N 22°42'14.6" E	64.56'
C10	145.13'	125.00'	S 57°01'41.2" W	137.11'

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES



MULKEY
ENGINEERS & CONSULTANTS

1255 CANTON STREET, SUITE G
ROSWELL, GEORGIA 30075
(678) 461-3511



SCALE IN FEET

0 20 40 80

REVISION DATES

CITY OF
OPELIKA

OFFICE:

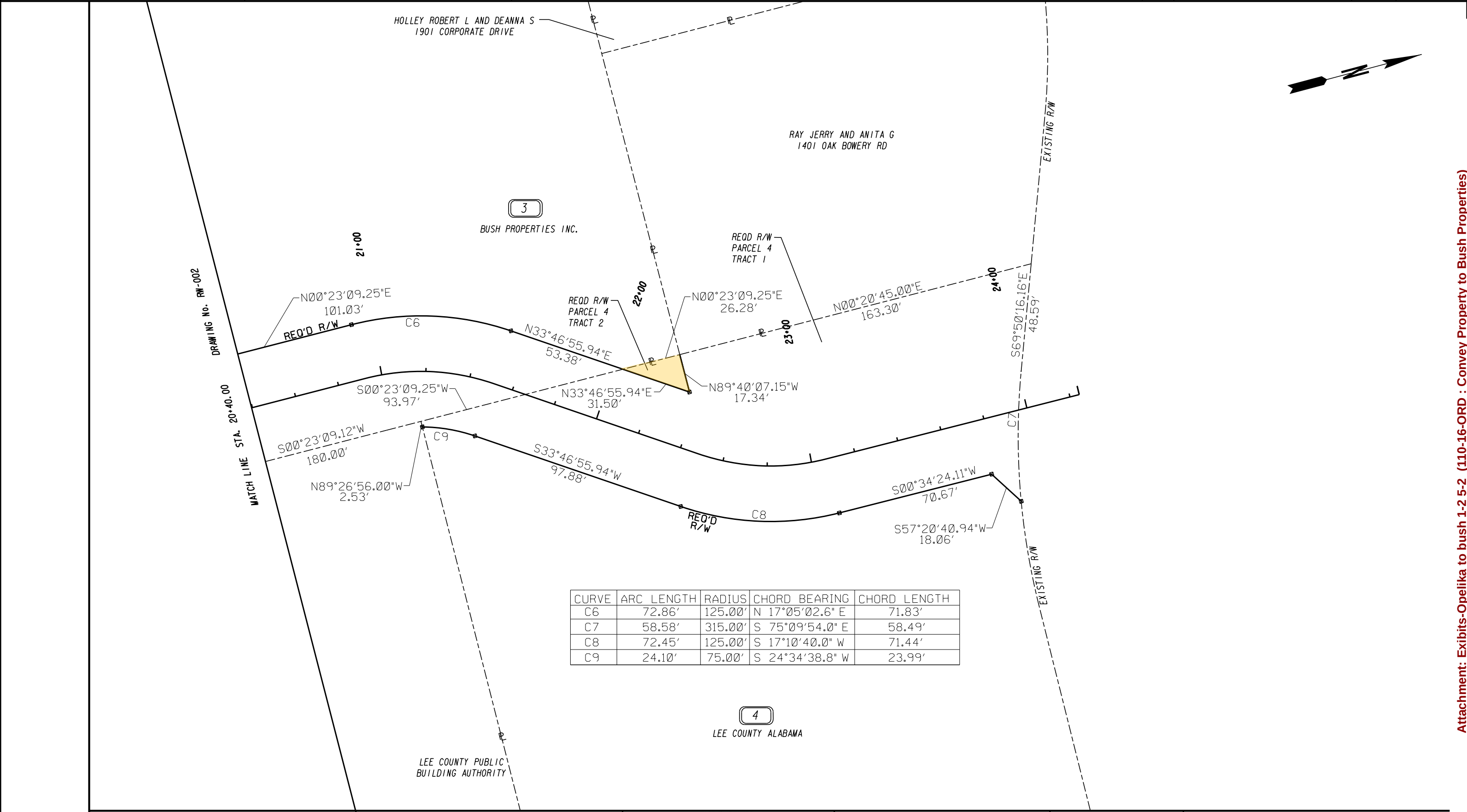
RIGHT OF WAY PLAN

BUSH ROAD

DRAWING No.

Packet Pg. 96

Attachment: Exhibits-Opelika to bush 1-2 5-2 (110-16-ORD : Convey Property to Bush Properties)



CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C6	72.86'	125.00'	N 17°05'02.6" E	71.83'
C7	58.58'	315.00'	S 75°09'54.0" E	58.49'
C8	72.45'	125.00'	S 17°10'40.0" W	71.44'
C9	24.10'	75.00'	S 24°34'38.8" W	23.99'

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

MULKEY

ENGINEERS & CONSULTANTS

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(678) 461-3511

CITY OF OPELIKA - ALABAMA

SCALE IN FEET
0 20 40 60 80

REVISION DATES

CITY OF OPELIKA

OFFICE:

RIGHT OF WAY PLAN

BUSH ROAD

DRAWING No.
14.3.a

Packet Pg. 97

Attachment: Exhibits-Opelika to bush 1-2 5-2 (110-16-ORD : Convey Property to Bush Properties)