



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
August 1, 2017
TIME: 7:00 PM

1. Call to Order

President Smith call this council meeting to order at 7:00pm asking Mr. Shuman to call the roll.

2. Roll Call

Mr. Shuman called the roll and all council members were present.

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

3. Invocation

Mr. Henry Smith provided the invocation for this council meeting.

1. Mr. Henry Smith.

4. Pledge of Allegiance

The three Scouts listed below lead the Pledge of Allegiance. Scout Master Troy Brady and Lynn McWhorter, Dad of Scout, were present as well.

1. Boy Scout Troop 354. Price McWhorter, Cole Brady and Taylor Brady.

5. Reading of Minutes

1. Council Meeting minutes for 7-18-17.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller thanked Maddie Clark for organizing the annual National Night Out (NNO) event and the city council members for participating in the walk to Covington Park. Mayor Fuller also thanked police chief John McEachern and the Opelika police officers for supporting the NNO event.

Mayor Fuller showed a door hanger that the City's Code Enforcement department is distributing in the City. The door hanger explains the City's regulations for lawn maintenance and that the home owner is responsible for taking care of their lawn and property all the way to the street.

1. Recognize Kyle Graddy for receiving his Eagle Scout and for his work at the Ross Cemetery.

Mayor Fuller presented a certificate of achievement to Kyle Graddy for receiving his Eagle Scout and for cleaning up the Ross Cemetery as his Eagle Scout project.

2. Recognize Tyler Chaffee, University of Alabama Economic Development Honors Certificate.

Mayor Fuller presented a certificate of achievement to Tyler Chaffee, the project manager in the City's Economic Development department, for receiving an economic development honors certificate from the University of Alabama.

8. Citizen Communications

(Limit comments to five minutes or less)

Betty Stallings thanked Mayor Fuller and the City's Engineering department for fixing the driveway entrance to her Mom's home and doing an outstanding job.

Jessie Ellis stated the street resurfacing on South Long street shows a total lack of concern and respect for the citizens in Ward 1. The street has been patched on top of patches and the entire street should have been re-paved. The resurfacing on Alabama Avenue is embarrassing and should have been paved properly and there are trees growing out that need to be cut back. The resurfacing and patching of streets in Ward 1 is unacceptable.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request from Wild Wing Cafe for a Restaurant Retail Liquor & On-Premise Beer License.

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

2. Request temporary street closure for a portion of Avenue B on August 9th.

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

3. Public Hearing for Demolition - 9 Avenue B

President Smith opened the public hearing for the demolition at 9 Avenue B and asked if there was anyone present that would like to speak for or against said demolition. No one came forward to speak. President Smith closed this public hearing.

4. Notice of Public Hearing Weed Abatement Assessment - 13 Dover St.

President Smith opened the public hearing for the assessment of cost for a weed abatement at 13 Dover Street and asked if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed this public hearing.

5. Notice of Public Hearing Weed Abatement Assessment - 501 S 4Th St.

President Smith opened the public hearing for the assessment of cost for a weed abatement at 501 South 4th Street and asked if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed this public hearing.

6. Notice of Public Hearing Weed Abatement Assessment - 1811 Trimble St.

President Smith opened the public hearing for the assessment of cost for a weed abatement at 1811 Trimble Street and asked if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed this public hearing.

12. Awarding of Bids

1. Bids 153-17 Tractor-Backhoe-Loader - OPS

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

13.

Resolutions

1. Resolution 154-17 Expense reports from various departments.

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

2. Resolution 155-17 Ordering the Demolition at 9 Avenue B.

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

3. Resolution 156-17 Weed Abatement Assessment - 13 Dover St.

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

4. Resolution 157-17 Weed Abatement Assessment - 501 S. 4th St.

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

5. Resolution 158-17 Weed Abatement Assessment - 1811 Trimble St.

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

6. Resolution 159-17 Special Appropriation Spay and Neuter Agreement

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

7. Resolution 160-17 Professional Services with the City of Auburn - OFD

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

8. Resolution 161-17 Special appropriation to SUSCC Foundation.

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

9. Resolution 162-17 Special appropriation to OHS Young SOD program.

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

10. Resolution 163-17 Special appropriation to Lee Russell Council of Governments.

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

11. Resolution 164-17 Special appropriation, School System, Dog Pound program.

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

12. Resolution 165-17 PY2017 CDBG Action Plan - Community Development.

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

13. Resolution 166-17 Agreement with Metaswitch Networks, Ltd - OPS

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

14. Ordinances

1. Ordinance 117-17-ORD Amend Zoning Ord & Map: 1500 Block Spring Drive, R-3, GC to C-3, GC - 2nd Reading.

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

2. Ordinance 116-17-ORD Amend City Code, Section 17-3, Establishing Time & Place of Holding Municipal Court - 2nd Reading.

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

3. Ordinance 118-17-ORD Public Improvement Ordinance / Sutton Way SD - 2nd Reading. Guy Gunter, city attorney, provided a detailed step by step explanation of the public improvement process. This ordinance sets the public hearing date for the proposed sewer project in the Sutton Way subdivision for Tuesday, September 5, 2017.

Ms. Jones asked the city council members to support this ordinance which sets a public hearing date so her constituents in the Sutton Way subdivision will have the opportunity to voice their opinion at the September 5th public hearing.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

4. Ordinance 119-17-ORD City investment options, CDARS program - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

15. Appointments

1. Appoint Derek Lee to the Electircal Board of Examiners.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

16. Adjourn

The City Council meeting minutes of August 1, 2017 are hereby adopted and approved this the 15th day of August, 2017.

/s/ Eddie Smith

President of the City Council

City of Opelika, Alabama

ATTEST:

/s/ R. G. Shuman

R. G. "Bob" Shuman

City Clerk - Treasurer

1. Motion to adjourn.

This council meeting ended at 7:44 PM.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**CM MINUTES (ID # 2361)**

Meeting: 08/01/17 07:00 PM

Department: City Clerk

Category: CM Minutes

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 2361

Council Meeting minutes for 7-18-17.

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



OPELIKA CITY COUNCIL “REGULAR MEETING MINUTES”

204 South 7th Street

July 18, 2017

TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:00pm asking Mr. Shuman to call the roll.

2. Roll Call

Mr. Shuman called the roll and all council members were present.

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

3. Invocation

Councilman David Canon provided the invocation.

4. Pledge of Allegiance

The Pledge of Allegiance was lead by Scouts from Pack 858.

1. Ja'Corey Ferrell, Cortavious Stovall, Ethan Hill, Harrison Hill, Dylan McKenzie and Braedyn Williams with Scout Pack 858.

5. Reading of Minutes

1. Minutes for the 7-05-17 City Council Meeting.

RESULT: APPROVED [4 TO 0]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon

ABSTAIN: Eddie Smith

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller stated the Barbasol PGA golf tournament starts on Thursday, 7/20 and goes through Sunday, 7/23 and is open to the public.

Mayor Fuller reminded everyone that Alabama's 200th Celebration kickoff event is Thursday 7/20 at Noon at the front of the Lee County courthouse.

Mayor Fuller stated the sales tax holiday is this weekend and Opelika has participated every year since this program was started.

Mayor Fuller thanked Ms. Jones for her leadership in Ward 1 for their community clean up day last weekend.

Mayor Fuller also thanked Ms. Pitts for her leadership in Ward 2 for providing a Family Fun Day and a Pray Walk this past Saturday.

1. City June 2017 financial statements.

Mayor Fuller stated the June 2017 City Financial Statements was provided to the City Council for their review and to let him know should you have any questions.

2. June 2017 Building Permit Report

Mayor Fuller called on Joey Motley, City Administrator, to provide a summary of the June 2017 Building Permit report.

3. Nominate Leigh Whatley for re-appointment to the Historic Preservation Commission. Mayor Fuller nominated Leigh Whatley for re-appointment to the HPC.

4. Nominate Charlie Ray for appointment to the Historic Preservation Commission. Mayor Fuller nominated Charlie Ray for appointment to the HPC.

8. Citizen Communications

(Limit comments to five minutes or less)

No one came forward to speak.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by Main Street for a temporary street closure on August 2, 2017.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

2. Request by Chief McEachern for a temporary street closure for NNO on August 1, 2017.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

3. Public Hearing, Amend Zoning Ord & Map: 1500 Block Spring Drive, R-3, GC to C-3, GC

President Smith opened this public hearing asking if there was anyone present that would like to speak for or against said zoning amendment. No one came forward to speak. President Smith closed this public hearing.

12. Awarding of Bids

1. Bids 146-17 Protective Clothing-FD

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

13. Resolutions

1. Resolution 147-17 Designate City Personal Property as Surplus & Authorize Disposal

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

2. Resolution 148-17 Professional Services Contract A.U. -OPD

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

3. Resolution 149-17 Designate AmeriFirst Bank as a depository for the City.

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

4. Resolution 150-17 Special appropriation, outdoor movies Ward 1.

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

5. Resolution 151-17 Access Ageement for Units Along Gateway Drive to Signal

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

6. Resolution 152-17 ROW Agreement for Sportsplex ROW from Inwoo Paek

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

14. Ordinances

1. Ordinance Amend Zoning Ord & Map: 1500 Block Spring Drive, R-3, GC to C-3, GC - 1st Reading.

This ordinance was introduced by Mr. Canon.

RESULT: FIRST READING INTRODUCED

2. Ordinance Amend City Code, Section 17-3, Establishing Time & Place of Holding Municipal Court - 1st Reading.

This ordinance was introduced by Mr. Smith T.

RESULT: FIRST READING INTRODUCED

3. Ordinance Public Improvement Ordinance / Sutton Way SD - 1st Reading.

This ordinance was introduced by Ms. Jones.

RESULT: FIRST READING INTRODUCED

4. Ordinance City investment options, CDARS program - 1st Reading.

This ordinance was introduced by Mr. Canon.

RESULT: FIRST READING INTRODUCED

15. Appointments

1. Re-appoint Leigh Whatley to the Historic Preservation Commission. Term ends 8-19-20.

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

2. Appoint Charlie Ray to the Historic Preservation Commission. Term ends 8-19-20.

Ms. Pitts stated for the record, the City Council needs to do a better job of making sure City Boards and Commissions are diverse and reflect the make up of the City.

RESULT: APPROVED [4 TO 0]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Patricia Jones, Dozier Smith T, David Canon, Eddie Smith

ABSTAIN: Tiffany Gibson-Pitts

16. Adjourn

The City Council meeting minutes of July 18, 2017 are hereby adopted and approved this the _____ day of _____, 2017.

/S/

President of the City Council

City of Opelika, Alabama

ATTEST:

/s/

R. G. "Bob" Shuman

City Clerk - Treasurer

1. Motion to Adjourn.

This council meeting ended at 7:22 PM.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

Attachment: CM 8-01-17, minutes for 7-18-17 CM (2361 : Council Meeting minutes for 7-18-17.)

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 2369)**

Meeting: 08/01/17 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

DOC ID: 2369

Request from Wild Wing Cafe for a Restaurant Retail Liquor & On-Premise Beer License.

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

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 2360)**

Meeting: 08/01/17 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 2360

Request temporary street closure for a portion of Avenue B on August 9th.

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

Shuman, Robert

From: Mike king <mikek@fbcopelika.com>
Sent: Friday, July 21, 2017 9:52 AM
To: Shuman, Robert
Subject: Ave B Closing

Good Morning Mr. Shuman!

Wednesday, August 9, from 5:30 to 7:30, we plan to have a "kick-off" night for Wednesday fall programs. We will have some activities on the courthouse lawn - we have asked permission for this - and people will be crossing Ave B from the church to the lawn and back during that time. We would like permission to temporarily block Ave B from 9th St to 8th St. out of safety. We will have an off duty police officer in that area as well. Could you direct me to the proper procedure to get this request considered?

Thank you for your help

Blessings!
Mike King

Mike King
Executive Pastor
First Baptist Church
Opelika, AL 36801

Attachment: CM 8-01-17, request for temporary closing of Ave B (2360 : Request temporary street closure for a portion of Avenue B on August



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2290)

Meeting: 08/01/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 2290

Public Hearing for Demolition - 9 Avenue B

June 2, 2017

TO:

Milton Lee Cannon
1025 Goosehollow Circle
Auburn, AL 36830

Mortgage Investors, Inc.
1211 28th Street S
Birmingham, AL 35205

Jordan Olshan
Custodian for Kelly Olshan/ALA UTMA
Address Unknown

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

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

Street Address: 9 Avenue B, Opelika, AL 36801

Legal Description: Lots O and N of Renfro Edwards Subdivision as shown as a part of Block 10 of Totten’s Real Estate Map of Opelika, Alabama, recorded in the Office of the Judge of Probate of Lee County, Alabama in Town Plat Book 2 at Page 9. This property is in Section 8, Township 19 North, Range 27 East, Opelika, Lee County, Alabama, and is shown as Lots O and N on plat of survey for Eddie Servant, a copy of which is attached to deed from Eddie Servant to Climon Williams (deceased husband of the grantor herein) dated October 10, 1964, which now appears of record in the Office of the Judge of Probate of Lee County, Alabama, in Deed Book 672 at Page 85. This is the same property

devised by the Will of the said Climon Williams to the grantor herein, which Will now appears of record in the Office of the Judge of Probate of Lee County, Alabama, in Will Book 14 at Page 151.

Parcel Identification Number: 43-10-03-08-2-002-149.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on May 12, 2017. Based upon said inspection, the building located on the Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:
(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- X (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- X (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.

- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.
- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- X (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- X (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.
- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.

- X (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

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

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

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

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

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, August 1, 2017, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the

extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

- (1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.
- (2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (4) It is unlawful for any person who has received this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

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

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

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

DATED this the ____ day of June, 2017.

Sincerely,

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

NOTICE OF REQUIRED REPAIRS

To:

**Milton Lee Cannon
1025 Goosehollow Circle
Auburn, AL 36830**

**Mortgage Investors, Inc.
1211 28th Street S
Birmingham, AL 35205**

**Jordan Olshan
Custodian for Kelly Olshan/ALA UTMA
Address Unknown**

Parcel #: 10-03-08-2-002-149.000
Property Address: 9 Avenue B
Opelika, AL 36801

Date of Notice: June 2, 2017

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika. It would appear that this structure is not

cost effective to repair. However, in the event of a repair the items listed below but not limited to the following would be required:

Exterior:

- Replace all missing and deteriorated siding, soffit and fascia boards.
- Scrape, prime and paint siding, trim.
- Replace roof with new.
- Install new piers as most are dilapidated and not level.
- Repair/rebuild the masonry chimney.
- Stairways: Rebuild front and side entry stairs with a min width of 36", max rise of 7 ¾", min tread depth of 10", Handrail 34" to 38" above tread nosing. Guardrail 36" min height with balusters spaced such that a sphere 4" in diameter cannot penetrate. The open side of a stairway can have a guardrail no less than 34" in height and not more than 36".
- Handrails need to be a graspable type.
- Replace all rotted deck boards.
- Replace all windows and doors: The windows in the bedrooms must have min egress of 5.7 sq ft. Windows must be operable and have locking hardware. Install at least one egress window in each bedroom. R310.1.

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

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

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

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

Dated this the 2nd Day of June, 2017.

Sincerely,

**David R. Chapman
Building Inspector****COMMENTS - Current Meeting:**

President Smith opened the public hearing for the demolition at 9 Avenue B and asked if there was anyone present that would like to speak for or against said demolition. No one came forward to speak. President Smith closed this public hearing.

Photos of 9 Avenue B



Attachment: Photos of 9 Avenue B (2290 : Public Hearing for Demolition - 9 Avenue B)



Attachment: Photos of 9 Avenue B (2290 : Public Hearing for Demolition - 9 Avenue B)



Attachment: Photos of 9 Avenue B (2290 : Public Hearing for Demolition - 9 Avenue B)



Attachment: Photos of 9 Avenue B (2290 : Public Hearing for Demolition - 9 Avenue B)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 2341)**

Meeting: 08/01/17 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 2341

Notice of Public Hearing Weed Abatement Assessment - 13 Dover St.

COMMENTS - Current Meeting:

President Smith opened the public hearing for the assessment of cost for a weed abatement at 13 Dover Street and asked if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed this public hearing.

WEED ABATEMENT INVOICE**Date: 07/12/2017****To: Hardwood LLC
PO Box 229
Opelika Al. 36801****Property Address:
13 Dover St
Opelika Al. 36801
Parcel # 10-03-07-1-001-003.000**

On May 12, 2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>400.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>412.98</u>

Attachment: Weed Invoice 13 Dover St. (2341 : Notice of Public Hearing Weed Abatement Assessment - 13 Dover St.)

To: **Hardwood LLC**
PO Box 229
Opelika AL. 36801

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 13 Dover St. Tax Parcel 43-10-03-07-1-001-003.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 13 Dover St., Parcel No. 003.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$412.98.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of August.

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

Dated this the 12th day of July, 2017.

 Jerry Bush
 Code Compliance Officer

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 2344)**

Meeting: 08/01/17 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 2344

Notice of Public Hearing Weed Abatement Assessment - 501 S 4Th St.

COMMENTS - Current Meeting:

President Smith opened the public hearing for the assessment of cost for a weed abatement at 501 South 4th Street and asked if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed this public hearing.

WEED ABATEMENT INVOICE

Date: 07/12/2017

**To: Cynthia Boyd
486 Martin Avenue
Auburn Al. 36830**

**Property Address:
501 S 4th St.
Opelika Al. 36801
Parcel # 10-03-08-3-000-095.000**

On June 1, 2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>200.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>212.98</u>

Attachment: WEED INVOICE 501 S 4th St. (2344 : Notice of Public Hearing Weed Abatement Assessment - 501 S 4Th St.)

To: Cynthia Boyd
 486 Martin Ave
 Auburn Al. 36830

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 501 S 4th St, Parcel 43-10-03-08-3-000-095.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 501 S 4th St., Parcel No. 095.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$212.98.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of August, 2017.

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

Dated this the 12th day of July, 2017.

 Jerry Bush
 Code Compliance Officer

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 2339)**

Meeting: 08/01/17 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 2339

Notice of Public Hearing Weed Abatement Assessment - 1811 Trimble St.

COMMENTS - Current Meeting:

President Smith opened the public hearing for the assessment of cost for a weed abatement at 1811 Trimble Street and asked if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed this public hearing.

WEED ABATEMENT INVOICE

Date: 07/12/2017

**To: James Elbert Drake
PO Box 83
Van Hornsville, NY 13475**

**Property Address:
1811 Trimble St.
Opelika Al. 36801
Parcel # 10-04-18-3-002-030.000**

On May 26, 2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>587.50</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>600.48</u>

Attachment: Weed Invoice 1811 Trimble St. (2339 : Notice of Public Hearing Weed Abatement Assessment - 1811 Trimble St.)

To: James Elbert Drake
PO Box 83
Van Hornsville, NY. 13475

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
1811 Trimble St. Tax Parcel 43-10-04-18-3-002-030.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1811 Trimble St. Parcel No. 030.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$600.48.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st. day of August.

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

Dated this the 11th day of July, 2017.

Jerry Bush
Code Compliance Officer

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



City Council

204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 153-17

Meeting: 08/01/17 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2372

Tractor-Backhoe-Loader - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited sealed bids for one (1) Four-Wheel Drive Rubber-Tired Tractor/Backhoe/Loader for the Power Services Department; and

WHEREAS, Beshears Tractor & Equipment was the sole bidder meeting specifications; and

WHEREAS, this is a budgeted purchase;

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

1. That the purchase be awarded to Beshears Tractor & Equipment on their sole bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Beshears Tractor & Equipment on their sole bid in the amount of \$52,450.00.
3. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.
4. That the Controller be authorized to adjust the budget as necessary for this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2017.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

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

FACT SHEET

SUBJECT: Sealed Bids – Bid #17031 – We are asking the Council to approve a purchase for one (1) Four-Wheel Drive Rubber-Tired Tractor/Backhoe/Loader

FACTS:

- Bid opening date – 7/17/17
- User Department – Power Services
- The bid was mailed to 15 vendors
- 1 bid was received
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the purchase be awarded to Beshears Tractor & Equipment on their sole bid meeting specifications in the amount of \$52,450.00.**

[illegible]

RESOLUTION NO. 154-17

Expense reports from various departments.

RESOLUTION NO. _____

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

-) That the following 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
-----	-----	
Derek Lee	OPS	779.22

-) That attached is an expense report(s) prepared, dated and signed by the City employee or official covering the various expenses incurred on said trip and reviewed/approved by the City's accounting department and City official.
- 3) That the Opelika City Council hereby approves the attached expense reports for reimbursement to said City employee or official.
- 4) That the Mayor and/or appropriate City official is hereby directed and authorized to take the necessary steps so a check 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 _____, 2017.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

NAME

Derek S. Lee

DEPARTMENT

OPS

PERIOD ENDING

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC.	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	Itemize Below					
							BREAKFAST	LUNCH	DINNER			
SUN												0.
MON												0.
TUE	Orange Beach, FL	779.22										779.
WED												0.
THU												0.
FRI												0.
SAT												0.
WEEKLY CATEGORY TOTALS \$		779.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	779.

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 Bld Price _____
 Ok To Pay _____
 A/C # Verified _____

NUMBER OF DAYS AWAY FROM HOME

3

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Electric Cities of Alabama Conference

METHOD OF REIMBURSEMENT

DEDUCT FROM
MY ADVANCE

MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Send check to Derek Lee @ OPS

Derek S. Lee
 SIGNATURE

APPROVED BY

RESOLUTION NO. 155-17

Ordering the Demolition at 9 Avenue B.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 9 AVENUE B, OPELIKA, ALABAMA 36801, PARCEL ID
NO.: 43-10-03-08-2-002-149.000 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 9 Avenue B, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-002-149.000, (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, Milton Lee Cannon 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, Milton Lee Cannon is the person last assessing the subject property for state taxes; and

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

WHEREAS, Jordan Olshan, Custodian for Kelly Olshan/ALA UTMA, address unknown, is the assignee of record of the above referenced mortgage executed to Mortgage Investors, Inc.; 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 Milton Lee Cannon, 1025 Goosehollow Circle, Auburn, AL 36830 and Mortgage Investors, Inc., 1211 28th Street S, Birmingham, AL 35205; and

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

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

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

WHEREAS, Tuesday, August 1, 2017 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 building located at 9 Avenue B is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, August 1, 2017, 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 9 Avenue B, 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 9 Avenue B, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-002-149.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lots O and N of Renfro Edwards Subdivision as shown as a part of Block 10 of Totten's Real Estate Map of Opelika, Alabama, recorded in the Office of the Judge of Probate of Lee County, Alabama in Town Plat Book 2 at Page 9. This property is in Section 8, Township 19 North, Range 27 East, Opelika, Lee County, Alabama, and is shown as Lots O and N on plat of survey for Eddie Servant, a copy of which is attached to deed from Eddie Servant to Climon Williams (deceased husband of the grantor herein) dated October 10, 1964, which now appears of record in the Office of the Judge of Probate of Lee County, Alabama, in Deed Book 672 at Page 85. This is the same property devised by the Will of the said Climon Williams to the grantor herein, which Will now appears of record in the Office of the Judge of Probate of Lee County, Alabama, in Will Book 14 at Page 151.

Also being further described as Parcel Number 43-10-03-08-2-002-149.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2017.

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

ATTEST:

CITY CLERK

Cc: Milton Lee Cannon
1025 Goosehollow Circle
Auburn, AL 36830

Mortgage Investors, Inc.
1211 28th Street S
Birmingham, AL 35205

RESOLUTION NO. 156-17

Weed Abatement Assessment - 13 Dover St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
13 Dover St. Parcel No. 003.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 13 Dover St., parcel no. 003.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 13 Dover St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of August, 2017 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

WHEREAS, the Council met at the designated time and place for the purpose of receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

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

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

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$412.98 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 13 Dover St. Parcel no. 003.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-07-1-001-003.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner

shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

ADOPTED AND APPROVED this the _____ day of _____, 2017.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 07/12/2017****To: Hardwood LLC
PO Box 229
Opelika Al. 36801****Property Address:
13 Dover St
Opelika Al. 36801
Parcel # 10-03-07-1-001-003.000**

On May 12, 2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>400.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>412.98</u>

Attachment: Weed Invoice 13 Dover St. (156-17 : Weed Abatement Assessment - 13 Dover St.)

RESOLUTION NO. 157-17

Weed Abatement Assessment - 501 S. 4th St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
501 S 4th St., Parcel No. 095.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 501 S 4th St., parcel no. 095.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 501 S 4th St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of August, 2017 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

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

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

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$212.98 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 501 S 4th St, Parcel no. 095.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-08-3-000-095.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and

shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

ADOPTED AND APPROVED this the _____ day of _____,
2017.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 07/12/2017****To: Cynthia Boyd
486 Martin Avenue
Auburn Al. 36830****Property Address:
501 S 4th St.
Opelika Al. 36801
Parcel # 10-03-08-3-000-095.000**

On June 1, 2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement: 200.00

Certified mail: 12.98

Misc.

Total 212.98

Attachment: WEED INVOICE 501 S 4th St. (157-17 : Weed Abatement Assessment - 501 S 4th St.)

RESOLUTION NO. 158-17

Weed Abatement Assessment - 1811 Trimble St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1811 Trimble St. Ave Parcel No. 030.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1811 Trimble St., parcel no. 030.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 1811 Trimble St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of August, 2017 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

WHEREAS, the Council met at the designated time and place for the purpose of receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

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

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

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$600.48 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1811 Trimble St. Parcel no. 030.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-04-18-3-002-030.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner

shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

ADOPTED AND APPROVED this the _____ day of _____, 2017.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 07/12/2017****To: James Elbert Drake
PO Box 83
Van Hornsville, NY 13475****Property Address:
1811 Trimble St.
Opelika Al. 36801
Parcel # 10-04-18-3-002-030.000**

On May 26, 2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>587.50</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>600.48</u>

Attachment: Weed Invoice 1811 Trimble St. (158-17 : Weed Abatement Assessment - 1811 Trimble St.)

RESOLUTION NO. 159-17

Special Appropriation Spay and Neuter Agreement

RESOLUTION NO. _____

**A RESOLUTION APPROVING SPECIAL
APPROPRIATION TO THE COMMUNITY SPAY AND NEUTER FUND**

WHEREAS, the Lee County Commission has established a community spay and neuter fund to aid in the spaying and neutering of felines and canines of low-income citizens of Lee County, Alabama; and

WHEREAS, the spaying and neutering of cats and dogs will reduce overpopulation in Lee County and in the City of Opelika; and

WHEREAS, the Lee County Commission has requested that the City donate the sum of \$15,000 to the community spay and neuter fund; and

WHEREAS, the City Council finds and determines that the appropriation of \$15,000 to the community spay and neuter fund will serve a public purpose, i.e. the reduction of pet overpopulation in the City of Opelika; and

WHEREAS, a proposed Agreement to be entered into between the Lee County Commission and the City of Opelika has been prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Agreement.

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

1. That the proposed Agreement to be entered into between the City and the Lee County Commission, a copy of which is attached hereto and marked 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 Agreement.

2. That the Mayor is hereby authorized and directed to execute and deliver said Agreement in the name and on behalf of the City.

3. That the City Council hereby approves a special appropriation in the amount of \$15,000 to the community spay and neuter fund. This is a budgeted item and shall be paid from the appropriations account of the general fund. The Controller is hereby authorized and directed to make the necessary accounting and budgetary entries to carry into effect the intent of this Resolution.

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

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

Council.

ADOPTED AND APPROVED this the _____ day of _____, 2017.

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

ATTEST:

CITY CLERK

AGREEMENT

THIS AGREEMENT made and entered into by and between **LEE COUNTY COMMISSION** hereinafter referred to as “**COUNTY**” and **CITY OF OPELIKA, ALABAMA, a Municipal Corporation** hereinafter referred to as “**CITY**”.

WHEREAS, cats and dogs provide companionship to and share the homes of thousands of individuals within Lee County; and

WHEREAS, the problem of pet overpopulation costs the taxpayers of the entire Lee County Community hundreds of thousands of dollars annually through animal Control and sheltering programs aimed at coping with unwanted and homeless cats and dogs; and

WHEREAS, spayed and neutered animals are less likely to have certain health problems or exhibit certain undesirable behaviors that can create community-wide problems and use community resources; and

WHEREAS, spaying and neutering cats and dogs has been shown to drastically reduce over population; and

WHEREAS, spaying and neutering cats and dogs can be financially challenging for low income citizens; and

WHEREAS, the county has established a Community Spay and Neuter Fund to assist the issue of pet overpopulation in the Community for low income citizens; and

WHEREAS, the City wishes to partnership in providing assistance to citizens within the Community who otherwise cannot afford to have their pets spayed or neutered.

NOW, THEREFORE, it is agreed as follows:

The City agrees to donate to the Community Spay and Neuter Fund the sum of fifteen thousand dollars (\$15,000.00) in a lump sum or in such installments as may be convenient to the CITY, such payment or payments to be made during the fiscal year which begins October 1, 2016.

The County agrees to use this money to aid in the spaying and neutering of felines and canines of low-income citizens of the Lee County Community. The County agrees to permit the City or its auditors to inspect the books and records of the Community Spay and Neuter Fund that the City and its auditors can verify that the funds donated pursuant to this agreement have been utilized for the purposes herein stated.

IN WITNESS WHEREOF, County and City have set their hands and seals in duplicate each of which shall constitute an original on the day and date first above written.

LEE COUNTY COMMISSION

By: _____

ITS: _____

CITY OF OPELIKA, ALABAMA a Municipal Corporation

By: _____

ITS: _____

RESOLUTION NO. 160-17

Professional Services with the City of Auburn - OFD**RESOLUTION NO. _____**

**RESOLUTION APPROVING INTER-GOVERNMENTAL PROFESSIONAL
SERVICES CONTRACT WITH THE CITY OF OPELIKA, ALABAMA AND
THE CITY OF AUBURN, ALABAMA FOR FIRE SUPPRESSION
AND EMERGENCY MEDICAL SERVICES**

WHEREAS, the City of Opelika, Alabama, (the “City”) maintains and staffs the Fire Department for the purpose of fire protection, prevention, rescue, emergency medical services, hazardous material, technical rescue and support services; and

WHEREAS, the City of Auburn, Alabama, (“City of Auburn”) has requested that the City provide support services to include fire suppression and emergency medical services at Auburn University Regional Airport during major sporting events and/or special events; and

WHEREAS, a proposed Professional Services Contract (the “Contract”) to be entered into between the City and the City of Auburn 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 Contract.

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

1. That the proposed inter-governmental Professional Services Contract to be entered into between the City and the City of Auburn, a copy of which is attached hereto and marked 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 execution and delivery of said Contract.

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

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

ADOPTED AND APPROVED this the _____ day of _____, 2017.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

Auburn Game Day Law Enforcement Corporation Professional Services Contract

This Professional Services Contract (the “Agreement”) made and entered into on this the ____ day of _____, 2017, by and between The Auburn Game Day Law Enforcement Corporation, an Alabama corporation (the “Company”), the City of Auburn, Alabama, a municipal corporation (the “City”) and City of Opelika/Opelika Fire Department (Assisting Agency).

The parties hereby state and agree as follows:

1. The City has entered into a Professional Services Contract with Auburn University (the “University”) whereby the City agrees to provide Law Enforcement Officers; Fire; Communications and Judicial personnel with the City as well as assisting agencies to provide security and traffic direction for University athletic and other special events.
2. The City and the Company have entered into a Professional Services Contract whereby the Company agrees to assist the City in providing personnel from assisting agencies.
3. The Assisting Agency, acting in support of the City’s Public Safety Department/Police Division, shall provide support services to include, but not limited to crowd control, traffic direction, and security at Auburn University campus locations during major sporting events and/or special events.
4. The Assisting Agency shall render the above services under the direction and supervision of the City of Auburn Police Chief or his/her designee.
5. The Assisting Agency shall provide the above services during the time period from August 1, 2017 to July 31, 2018.
6. The Assisting Agency will be compensated by the City on behalf of the Company for the above services at the following rates: Capt. - \$31.07/hr.; Lt. - \$27.81/hr.; AO- \$26.01/hr.; FF- \$24.63/hr.
7. The Assisting Agency will receive compensation for services provided within ten working days of the receipt of an approved invoice.
8. The Assisting Agency **will not** be compensated for travel expenses.
9. The Company shall secure and provide to Assisting Agency’s employees Workers Compensation Insurance.
10. The Assisting Agency agrees to comply with all applicable Federal and State laws and regulations in the performance of this Contract. Assisting Agency represents that it is an Equal Opportunity Employer and does not discriminate on the grounds of disability, age, race, color, religion, sex, national origin, veteran status, genetic information or any other classification protected by Federal and/or Alabama state constitutional and/or statutory law.

This contract has been reviewed and accepted by the undersigned on this the ____ day of _____, 2017.

ASSISTING AGENCY

_____ Signature	_____ Mayor Gary Fuller Name
_____ City of Opelika Agency Name	_____ 204 7 th Street South Address
_____ 63-6001334 Tax I.D. Number	_____ Opelika, AL 36801 City, State, Zip Code

AUBURN GAME DAY LAW ENFORCEMENT CORPORATION

President

ADOPTED AND APPROVED by the City Council of the City of Auburn, Alabama, this ____ day of _____, 2017.

ATTEST:

Mayor

Interim City Manager

RESOLUTION NO. 161-17

Special appropriation to SUSCC Foundation.

RESOLUTION NO. _____

**RESOLUTION APPROVING SPECIAL APPROPRIATION TO SOUTHERN UNION
STATE COMMUNITY COLLEGE FOUNDATION**

WHEREAS, Southern Union State Community College Foundation (the “Foundation”) is a 501(c)(3) charitable organization; and

WHEREAS, the Foundation is the fundraising arm of Southern Union State Community College (“SUSCC”); and

WHEREAS, the Foundation promotes and supports the programs and activities of the SUSCC; and

WHEREAS, SUSCC is an open admission, public two-year college and a member of the Alabama Community College System; and

WHEREAS, SUSCC is an integral part of the educational landscape of the City of Opelika (the “City”); and

WHEREAS, SUSCC is vital to the economic development of the City and the surrounding area; and

WHEREAS, the Foundation has requested funding from the City to promote the programs and activities of SUSCC;

WHEREAS, the City Council desires to approve a special appropriation in the amount of \$1,500.00 to assist the Foundation in promoting the programs and activities of SUSCC.

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

1. That there is hereby approved a special appropriation to the Foundation to promote the college's programs and activities at the Opelika campus of SUSCC.
2. That said appropriation shall be used exclusively for programs and activities at the Opelika campus.
3. That said appropriation shall be paid from the Discretionary Funds of the City Council members as follows:

Patricia Jones	Ward 1	Current year acct.	\$300.00
Tiffany Pitts	Ward 2	Current year acct.	\$300.00
Dozier Smith T	Ward 3	Current year acct.	\$300.00
Eddie Smith	Ward 4	Reserve fund	\$300.00
David Canon	Ward 5	Reserve fund.	\$300.00

4. That the City Council hereby declares and determines that the expenditure of said funds will serve a public purpose.
5. That the Mayor and the Controller are hereby authorized and directed to make all necessary accounting and budgetary entries to carry into effect the intent of this Resolution.
6. That the City Clerk/Treasurer is directed to prepare the appropriate documents so that a check in the amount of \$1,500.00 can be issued payable to Southern Union State Community College Foundation.
7. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2017.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 162-17

Special appropriation to OHS Young SOD program.**RESOLUTION NO. _____**

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

WHEREAS, the Opelika High Young SOD is a student organization and will be attending the annual 2017 Civic Institute in Montevallo, Alabama, and

WHEREAS, City Council member Dozier Smith T would like to contribute \$300.00 from the Ward 3 discretionary current year account to assist in covering the cost of the Opelika High Young SOD attending the Civic Institute.

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

1. That the City Council approves said request to provide a total of \$300.00 to the Opelika School System to assist the Opelika High Young SOD in attending the 2017 Civic Institute.
2. That City Councilman Dozier Smith T hereby agrees to provide \$300.00 from his discretionary funds as detailed below with said funds to be used as explained in No. 1 above:

Dozier Smith T	Ward 3	Current year acct.	\$300.00
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3. That the City Council hereby declares and determines that the expenditure of these
public funds will serve a public purpose for the City of Opelika.
4. The Mayor and the Controller is hereby authorized and directed to make a budget adjustment for \$300.00 from the account detailed in No. 2. above to the appropriate account(s).
5. The City Clerk-Treasurer is hereby authorized and directed to prepare the appropriate documents so that a check for \$300.00 can be prepared payable to the

Opelika School System and earmarked for the High School Young SOD program.

APPROVED and ADOPTED this the ____ day of _____, 2017.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

Robert G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 163-17

Special appropriation to Lee Russell Council of Governments.**RESOLUTION NO. _____**

WHEREAS, Mayor Fuller and the Opelika City Council appreciates and fully supports the various activities and programs of the Lee Russell Council of Governments (LRCOG), and

WHEREAS, the LRCOG is sponsoring a Senior Nature Outing that will provide Opelika senior citizens the opportunity to enjoy a day in nature and have a positive learning experience about various types of flowers, and

WHEREAS, City Council member Tiffany Gibson-Pitts would like to contribute \$500.00 from the Ward 2 discretionary current year account to assist in covering the cost of the LRCOG Senior Nature Outing.

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

1. That the City Council approves said request to provide a total of \$500.00 to the LRCOG to assist with the cost of the Senior Nature Outing.
2. That City Council member Tiffany Gibson-Pitts hereby agrees to provide \$500.00 from her discretionary funds as detailed below with said funds to be used as explained in No. 1 above:

Tiffany Gibson-Pitts	Ward 2	Current year acct.	\$500.00
----------------------	--------	--------------------	----------

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

Lee Russell Council of Governments and earmarked for the Senior Nature Outing.

APPROVED and ADOPTED this the ____ day of _____, 2017.

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 164-17

Special appropriation, School System, Dog Pound program.**RESOLUTION NO. _____**

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

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

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

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

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

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

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

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

APPROVED and ADOPTED this the ____ day of _____, 2017.

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 165-17

PY2017 CDBG Action Plan - Community Development.

The HUD allocation for PY2017 will increase by approximately 3% to \$226,363. You will notice that in the proposed budget Habitat for Humanity has been de-funded. This is due to our local Habitat not being an approved HUD Community Based Development Organization (CBDO) and therefore not qualifying for funding. The allocation for Habitat housing has been rolled over into the Emergency Home Repair program. Also, Unity Wellness had trouble in the timeliness of spending their funding. In order for us to continue to support HIV/AIDS outreach and homelessness, LRCG allocation has been increased and a portion of their funding will be earmarked to assist HIV/AIDS patients referred to them by the Unity Wellness Center.

RESOLUTION No. _____

WHEREAS, the Housing and Community Development Act of 1974, as amended, requires that the City prepare and submit to HUD each year an Annual Action Plan which identifies and describes activities which the City intends to undertake with Community Development Block Grant (CDBG) funds; and

WHEREAS, the City's Five-Year Consolidated Plan (2015-2019) identifies the community needs which have been identified with citizen input and prioritized by the Planning Department with advice from stakeholders; and

WHEREAS, the City's Annual Action Plan for the 2017 Program Year identifies the projects and programs to which have been selected by the City Council to be undertaken with said Program Year's funding; and

WHEREAS, a summary list of the projects and programs of said proposed Annual Action Plan was published in the Opelika Auburn News in order to give citizens an opportunity to comment and public hearings were programmed for May 22, 2017 and July 17, 2017; and

WHEREAS, certifications and grant agreements will need to be signed to submit the Action Plan and receive grant funds to implement the Action Plan;

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

1. That the City's PY2017 Annual Action Plan, attached hereto, under the Five-Year Consolidated Plan (2015-2019) is hereby adopted; and
2. That Gary Fuller, in his capacity as Mayor, is hereby authorized to execute all grant agreements, certifications, sub-recipient agreements, and other documents required in relation to the submission and implementation of said Plan for the City of Opelika to the U.S. Department of Housing and Urban Development (HUD).

APPROVED and ADOPTED this the _____ day of _____, 2017.

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

ATTEST:

R. G. Shuman
City Clerk - Treasurer



ANNUAL ACTION PLAN

CDBG

PY 2017

**Submitted to the Department of
Housing and Urban Development
Birmingham Field Office
October 1, 2017-September 31, 2018**

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Opelika is a CDBG entitlement community and grantee. This is the Action Plan for PY2017 which is the third year of our 5-year Consolidate Plan. Expected funding for PY2017 is \$226,363, which is an approximate increase of 3% from last years funding amount. Funding available under the CDBG program is targeted to address community development needs with regard to affordable housing and supportive services for low to moderate income (LMI) families and individual who reside inside the city limits of Opelika.

**City of Opelika
Community Development Block Grant (CDBG)
PY 2017 Budget**

	Proposed PY2016 Budget	Proposed PY2017 Budget	Increase/ Decrease
TOTAL GRANT AMOUNT	\$220,270.00	\$226,363.00	3%
PUBLIC SERVICES (15% cap)	\$33,040.00	\$33,954.00	
LRCG Utility Assistance	\$7,500.00	\$8,954.00	19%
East Alabama Food Bank Community Market	\$21,040.00	\$22,500.00	7%
Unity Wellness-AIDS Outreach	\$2,000.00	\$0.00	
Greater Peace Community Development Corp K-4	\$0.00	\$0.00	0%
Twin Cedars Child Advocacy Victims of Sexual Abuse	\$2,500.00	\$2,500.00	0%
PUBLIC FACILITIES	\$45,000.00	\$45,000.00	
Sidewalk/Streetscape	\$45,000.00	\$45,000.00	0%
HOUSING SERVICES	\$88,176.00	\$92,137.00	
Emergency Home Repair	\$43,176.00	\$72,137.00	40%
Home Ownership Assistance	\$25,000.00	\$20,000.00	-20%
Habitat for Humanity	\$20,000.00	\$0.00	
REHABILITATION	\$10,000.00	\$10,000.00	
Main Street Opelika Façade Grant Program	\$10,000.00	\$10,000.00	0%
ADMINISTRATION (20% cap)	\$44,054.00	\$45,272.00	
Administration	\$44,054.00	\$45,272.00	3%

PY2017 Budget

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CITY OF OPELIKA
Community Development Block Grant
 PY 2017 Action Plan

Budget Descriptions

Lee-Russell Council of Governments – Emergency Utility Assistance

Funding is allocated to LRCG for the Emergency Utility Assistance program which provides once annually utility payment assistance for low-moderate income households.

East Alabama Food Bank – Community Market

Funding is allocated to the East Alabama Food Bank's Community Market, which provides screening and referrals as part of their grocery store style market for low to mod income persons.

Twin Cedars Child Advocacy Center – Therapy for Victims of Sexual Abuse

Funding is used to provide counseling services (group/family and individual) to victims and non-offending family members of sexual abuse and domestic violence particularly to minors. There are no proposed changes in this program's funding levels.

Emergency Home Repair

The Emergency Home Repair Program is available city wide for low and moderate income households and assists with the rehabilitation and repair of pending safety and health deficiencies. Most repairs involve leaking roofs, broken floors, electrical hazards, and other items. An increase in funding is suggested to serve an ever-growing waiting list of applications.

Home Ownership Loan Program

Provide down-payment and closing cost assistance to first-time home buyers purchasing inside Opelika city limits who have completed a homebuyer education course.

Main Street Opelika – Façade Grant Program

Funding is allocated to the Opelika Main Street Bill Roberts Façade Grant Program. The program is categorized as a downtown revitalization, economic development, and historic preservation program. The program provides 50% reimbursement for improvements made to building façades located in the downtown district. The Opelika Historical Commission and Opelika Main Street will review and approve designs before a project is eligible for funding. There are no proposed changes in this program's funding levels.

PY2017 Activity Descriptions

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2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Five goals were established for our five-year consolidated planning period to be addressed annually. They are:

- Goal 1:** Provide decent and affordable housing and supportive services for LMI families
- Goal 2:** Provide decent and affordable housing and supportive services for populations with a disability and/or elderly
- Goal 3:** Provide support for non-profit public services
- Goal 4:** Improve public facilities and/or infrastructure
- Goal 5:** Eliminate slums and blight

Goals 1, 2, and 5 will be accomplished through the cities Emergency Home Repair program, the Homeownership Loan Program, and through the Inspections Department with demolition of neglected properties. The Emergency Home Repair Program provides home repairs to LMI individuals and families, which include those with a disability and/or elderly. Our goal is to assist 15 homeowners with repairs. The Homeownership Loan Program assists LMI individuals and families with down payment and closing cost expenses so that they can purchase a home. This allows a Buyer with good credit but limited savings to afford home ownership. Our goal is to assist 5 buyers with a home purchase.

Goal 3 will be accomplished by supporting the East Alabama Food Bank's Community Market. The Community Market is a grocery store style market for LMI that are food deprived. Support will also be provided for Lee Russell Council of Government Utility Assistance Program. This program provides assistance with utility cost for LMI at a time that they can not afford to pay for an electrical, water, or gas bill. A portion of the funds provided for utility assistance will be dedicated to patients with HIV/AIDS and will be referred by Unity Wellness Center for assistance.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The CAPER, which will outline the outcome for PY2016, is not due until after September 30, 2017, the end of PY2016 and has yet to be completed. However, the success of our Emergency Home Repair program and the number of people we are able to serve each year has made it impossible NOT to continue this activity each and every year. There are so many seniors living on a very limited income that simply cannot afford to do the repairs that are needed on their homes. They must choose between eating, medical expenses, or home repairs. Home repairs are a last priority. The City of Opelika will continue to concentrate on improving the living conditions and providing affordable housing for our low-moderate income citizens.

Our most recently conducted annual timeliness report pulled on July 11, 2017 indicated that the city had a 1.20 time its current grant amount in the Line of Credit. This is below the threshold of 1.5 times the current grant amount.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

As the grantee for CDBG, the City conducted a consolidated citizen participation process, which combined public hearings and agency consultation meetings. Public hearings were held on May 22, 2017 and July 17, 2017. Notices were run in the Opelika Observer and/or Opelika-Auburn newspaper and posted at City Hall, Public Works, Cooper Memorial Library, and the SportsPlex. A copy of publication is attached. Staff is very receptive to the thoughts and desires of our citizens and their needs and open to and all suggestions.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Citizen participation is a critical component of the CDBG program with regard to determining community needs, goals, and priorities. All citizen participation activities were implemented in compliance with the City's approved Citizen Participation (CP) Plan, including advanced notice of public hearings and two public hearings. Efforts made to broaden citizen participation included setting public hearings at times and locations that were convenient to the public, posting at the public library, City Hall, Public Works building, and parks and recreation SportsPlex.

Two public hearings were held in preparation of Action Plan:

Public Hearing: May 22, 2017

No public comments received.

Public Hearing: July 17, 2017

No public comments received.

Public Notice and Public Hearing

NOTICE OF FUNDING AVAILABILITY AND APPLICATION

The City of Opelika announces anticipated funding availability under the CDBG Program Year 2017 an estimated \$218,000 of Federal grant funds for activities such as Commercial Revitalization, Housing Rehabilitation and Neighborhood Revitalization projects. A portion of this funding is planned for sub-recipients such as community groups and non-profits. Applications for funding are available at the Public Works Facility, 700 Fox Trail, Opelika or by contacting the Community Development office at (334) 705-5155. Applications are due at the Community Development Office by **4:00 p.m., Wednesday, May 31, 2017.**

NOTICE OF PUBLIC HEARING AND COMMENT

The City of Opelika invites public comment on actions to be taken with the Community Development Block Grant (CDBG) Program funding. Your ideas and suggestions for projects are welcome. This meeting is an opportunity for staff, citizens, and non-profit organizations to express community needs prior to setting the PY2017 budget.

A public hearing will be held on **Monday, May 22, 2017 @ 5:00 p.m.** in the Public Works/Planning chamber at 700 Fox Trail. Public comment and questions are invited either in writing or in person and will be accepted until August 11, 2017. Comments may be sent to:

Lisa Thrift
CDBG Administrator
P.O. Box 390
Opelika, AL 36803
or
lthrift@opelika.net

If special accommodations are needed to participate at the hearing by persons with disabilities please contact Lisa McLeod, the City's ADA Coordinator at 705-5131 at least forty-eight hours in advance.

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

Public Notice of Funding

Annual Action Plan
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May 10, 2017

State of Alabama, Lee County

Before me, a notary public in and for the county and state above listed, personally appeared **Rebekah Martin**, who, by me duly sworn, deposes and says that:

My name is **Rebekah Martin**. I am the **Associate Editor** of **The Opelika Observer**. The Newspaper is printed in the English language, has a general circulation and its principal editorial office in the county above listed and has been mailed under a publication class mailing privilege of the United States Postal Service from the post office where it is published at least 51 weeks a year.

The Newspaper published the attached legal notice for **City of Opelika CDBG - Notice of Public Hearing on May 22, 2017** in the issue(s) of: 05/10/17.

A copy of an issue in which the advertisement appeared was mailed to the person to whom the notice was directed, if the address was provided by the person or official placing the advertisement.

The sum charge for these publications was \$91. **The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared.**

There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney.

Rebekah Martin

Rebekah Martin – Associate Editor
Affiant

Julia M. Grace
Notary Public 4-2-19

Sworn to and subscribed this 10th day of May, 2017.



Opelika Observer affidavit

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**CITY OF OPELIKA
COMMUNITY DEVELOPEMNT BLOCK GRANT PROGRAM
PY 2017 CDBG Action Plan Public Hearing & Comments
May 22, 2017 @ 5:00 p.m. • Public Work/Planning Chamber**

SIGN-IN SHEET

[illegible]Page 1 of 1

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

Public Hearing Sign-In May

Annual Action Plan
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PUBLIC NOTICE OF HEARING

ANNUAL ACTION PLAN PY2017

The City of Opelika will hold a public hearing at **4:00pm on Monday, July 17, 2017** at the Public Works Facility's Planning Chambers, 700 Fox Trail for citizen input and questions concerning PY2017 Action Plan activities which is currently in progress. For each year of the Five Year Consolidated Plan, an Annual Action Plan must be developed to identify programs and projects that the City intends to accomplish. The programs and projects are funded by the Community Development Block Grant (CDBG) Program through the U. S. Department of Housing & Urban Development (HUD). The City will receive \$226,363.00 in the 2017 Program Year. The Program Year begins October 1, 2017 and ends September 30, 2018.

The 2017 Action Plan portion of the Consolidated Plan details the programs and projects that are proposed for funding. Supposing continued funding of present operations (with adjustments based on funding fluctuation) the below potential activities have been provided:

Housing Services	
Emergency Home Repair	\$ 72,137
Home Ownership	\$ 20,000
Public Services	
Utility Assistance	\$ 8,954
The Community Market	\$ 22,500
Child Advocacy Center	\$ 2,500
Public Facilities	
Sidewalk/Streetscape	\$ 45,000
Rehabilitation	
Opelika Main Street	\$ 10,000
Administration	
	\$ 45,272
Grant Total	\$226,363

Public participation and comment is invited either in writing or in person. A draft and proposed version of the Plan is available for review at the Opelika Public Library at 200 South 6th St., City Hall at 204 S. 7th St., or the Public Works Facility at 700 Fox Trail beginning Wednesday, July 12, 2017. Comments and concerns can be forwarded to the address below and must be received by the department no later than 4:00 pm on Tuesday, August 1, 2017.

Public Comment Point of Contact:

Lisa Thrift
Community Development Administrator
Planning Department
City of Opelika Public Works
700 Fox Trail
Opelika, AL 36801
lthrift@opelika.net

If special accommodations are needed to participate at the hearing by persons with disabilities please contact Lisa McLeod, the City's ADA Coordinator at 705-5132 at least forty-eight hours in advance.

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

Public Notice of Action Plan

Annual Action Plan
2017

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Certification of Public Notice

Public Notice and Public Hearing for CDBG Public Participation and feedback for PY2017 Action Plan and copy of DRAFT Action Plan provided for public viewing provided at the following locations:

City Hall/Mayor' Office

Barbara Arington

Mayor's Office (2nd floor)

Barbara Arington

Public Works/Planning

Rachel D...

Community Development

Diana Christ 7/11/17

Cooper Memorial Library

Christy L. Burton 7-11-17

SportsPlex

M. Johnson

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

Certificate of Posting Notice and AP

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Alabama Community Newspapers
Advertising Affidavit

227 N. Oates St.
Dothan, AL 36303
(800) 779-2557

Account Number

2151278

Date

July 12, 2017

CITY OF OPELIKA
PO BOX 390
OPELIKA, AL 36801

Date	Category	Description	Ad Size	Total Cost
07/12/2017	_Legal Notices	LG2021 PUBLIC HEARING- ANNUAL ACTION PLA	2 x 59 L	517.40

Affidavit of Publication of Legal Notice State of Alabama Lee County Before me, a notary public in and for the county and state above listed, personally appeared <u>Anita Williams</u> who, by me duly sworn, deposes and says that: "My name is <u>Anita Williams</u>, I am the Public Notice Coordinator of the Opelika-Auburn News". The Newspaper published the attached legal notice in the issues of: 07/12/2017 Newspaper reference: 0001047345 The sum charged for publications was \$517.40. The charges by the Newspaper for said publication does not exceed the lowest actual classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared. There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney. <u>Anita Williams</u> AFFIANT Sworn and subscribed this <u>12th</u> of <u>July</u>, 20<u>17</u> <u>Virginia C Moore</u> Notary Public State of Alabama	
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THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

OA News Affidavit

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[illegible]

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

Packet Pg. 93

6. Summary of comments or views not accepted and the reasons for not accepting them

No comments were rejected.

7. Summary

No comments were received and none were rejected.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	OPELIKA	
CDBG Administrator	OPELIKA	Community Development
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

Lisa Thrift	OR	Charles Mosley
City of Opelika		City of Opelika
Community Development Administrator		Planning Director
700 Fox Trail		700 Fox Trail
Opelika AL 36801		Opelika AL 36801

Phone: (334) 705-5155

Phone: (334) 705-5166

Email: lthrift@Opelika.net

Email: CMosley@Opelika.net

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City has used multiple strategies to enhance coordination between agencies, including the allocation of General Fund dollars and Federal grant dollars (CDBG) to support the provision of services within the covered jurisdiction, as well ongoing communication and consultation with housing and non-housing service providers, public housing authorities, other local jurisdictions, and public agencies. In CDBG, steps have been taken to improve the working relationship between the City and neighboring city, Auburn, for collaboration and technical support.

Several service providers are currently funded under the City's Operating Budget using General Funds, as well as the CDBG program using federal funds. The City intends to continue to fund agencies engaged in public services within program limits.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

See above.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City actively participates and communicates with the Alabama Rural Coalition for the Homeless (ARCH), the regional Homeless Continuum of Care (CoC) for Lee County and its surrounding areas. Efforts to address the needs of the homeless include participation in CoC meetings and the allocation of CDBG funding under the 15% public services cap to organizations meeting the housing and supportive services needs of homeless persons.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Opelika does not receive ESG funding.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	HIS PLACE
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency Consultation
3	Agency/Group/Organization	AUBURN
	Agency/Group/Organization Type	Other government - Local Grantee Department
	What section of the Plan was addressed by Consultation?	Data Share, CDBG
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	
4	Agency/Group/Organization	LEE RUSSELL COUNCIL OF GOVERNMENTS
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	unmet needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation, phone
5	Agency/Group/Organization	United Way of Auburn Opelika
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Support Services
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation

6	Agency/Group/Organization	Lee County Association of Realtors
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation, MLS data
7	Agency/Group/Organization	CHILD ADVOCACY CENTER
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	unmet needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation
8	Agency/Group/Organization	DOMESTIC VIOLENCE INTERVENTION CENTER
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	urgent need
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation
9	Agency/Group/Organization	Auburn University
	Agency/Group/Organization Type	Educational Institution
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation

10	Agency/Group/Organization	East Alabama Mental Health
	Agency/Group/Organization Type	Mental Health
	What section of the Plan was addressed by Consultation?	Mental Health
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency Consultation
11	Agency/Group/Organization	Unity Wellness
	Agency/Group/Organization Type	Services-Persons with HIV/AIDS
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation
12	Agency/Group/Organization	Envision Opelika
	Agency/Group/Organization Type	Business and Civic Leaders Foundation
	What section of the Plan was addressed by Consultation?	Community needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Multiple public meetings, consultation
13	Agency/Group/Organization	MID-ALABAMA COALITION FOR THE HOMELESS
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation

Identify any Agency Types not consulted and provide rationale for not consulting

None.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

The City of Opelika continues to work with The Casey Foundation and Community of Hope along with Auburn University Mobile Studio to effectively administer the requisite data collection and analysis , planning, and implementation of Community of Hope neighborhood investment and transformation. This will assist the City of Opelika in connecting to its underserved citizens to sustainable regional networks of helth, empowerment and prosperity.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Citizen participation is a critical component of the CDBG program with regard to determining community needs, goals, and priorities. All citizen participation activities were implemented in compliance with the City's approved Citizen Participation (CP) Plan, including advanced notice of public hearings and two public hearings. Efforts made to broaden citizen participation included setting public hearings at times and locations that were convenient to the public, posting all process information on the City of Opelika's publicly accessible website, public library, City Hall, and Public Works building.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Notice	Community Wide	Meeting date published in Opelika Observer and posted at City Hall, City Library, Sportsplex, and Public Works bdg	N/A	N/A	N/A
2	Public Meeting	Community Wide	May 22- No Attendees	N/A	N/A	N/A

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Notice	Community Wide	Meeting date published in Opelika-Auburn News and posted at City Hall, City Library, SportsPlex, and Public Works Bdg.	N/A	N/A	N/A
4	Public Meeting	Community Wide	July 17th - No Attendees	N/A	N/A	N/A
5	City Council Meeting	Community Wide	August 1st	No public comments received - Approved by City Council	N/A	N/A
6	Agency Consultations	Community Wide	June 1-July 31	No public comments received	N/A	N/A

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Opelika receives CDBG funding only. None of our activities provide program income.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	226,363	0	0	226,363	436,637	CDBG funds represent the total amount awarded by HUD annually

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

There are no matching requirements for CDBG. However, CDBG funds are a major source of leverage for other community funding to address community needs.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are no plans at this time to use publicly owned land or property to address needs identified within this plan.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Decent housing	2015	2019	Non-Homeless Special Needs	COMMUNITY WIDE	Affordable housing rehab	CDBG: \$43,176	Homeowner Housing Rehabilitated: 15 Household Housing Unit
2	Affordable housing	2015	2019	Affordable Housing	JETER NEIGHBORHOOD CARVER NEIGHBORHOOD	Affordable housing	CDBG: \$45,000	Homeowner Housing Added: 6 Household Housing Unit
3	Facade Renovations	2015	2019		HISTORIC DOWNTOWN	Eliminate slum/blight	CDBG: \$10,000	Facade treatment/business building rehabilitation: 5 Business

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Public Facilities/Infrastructure	2015	2019	Public Facilities/Infrastructure	JETER NEIGHBORHOOD CARVER NEIGHBORHOOD	Public Infrastructure/facilities	CDBG: \$45,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 2500 Households Assisted
5	Supportive Services	2015	2019	Supportive Services	COMMUNITY WIDE	Supportive Services	CDBG: \$33,040	Public service activities other than Low/Moderate Income Housing Benefit: 3300 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Decent housing
	Goal Description	Through our Emergency Home Repair program we will assist low-mod income home owners with home repairs so that they can live in a safe and healthy environment. The majority of homeowners we work with live in the Jeter (Census Tract 416) or Carver (Census Tract 414) neighborhoods, which are the two most poverty stricken areas in Opelika. The homes are generally older houses with severe deferred maintenance due to the lack of funds to do repairs.

2	Goal Name	Affordable housing
	Goal Description	The City of Opelika will be working with Habitat for Humanity to build/rehab one house per year in either the Jeter or Carver neighborhood in order to provide an affordable housing option to one new home owner. Also, we have a Home Ownership Loan Program that assist first time home buyers with up to 50% of the lender required down payment and closing cost to purchasing up to \$6,000 a home inside the city limits of Opelika.
3	Goal Name	Facade Renovations
	Goal Description	Through the Opelika Main Street Bill Roberts' Facade Enhancement Program the City of Opelika will use CDBG funds to support provide funding for exterior rehabilitation of buildings in our historic downtown business district. Enhancing our downtown brings economic opportunities for new and existing business owners providing jobs and revenue.
4	Goal Name	Public Facilities/Infrastructure
	Goal Description	The City of Opelika has adopted the Carver-Jeter Revitalization Plan. This is a comprehensive plan and visionary process initiated by the city for the purposes of better connecting the Carver and Jeter neighborhoods to the greater city of Opelika and for establishing a compelling vision for the future of these neighborhoods by developing a strategic plan for land use and zoning, transportation, open spaces and environment, urban design, historic resources, public services, housing, and economic development. Carver neighborhood is located in Census Tract 414 and Jeter neighborhood is located in Census Tract 416. These two neighborhoods are the highest in minority population and poverty in the city. Our five year plan is to improve the walkability with sidewalk and streetscape improvements; green space; street art; connectivity to the downtown business district, schools, and parks; community health center; bike paths; and much more.
5	Goal Name	Supportive Services
	Goal Description	Through Public Services such as Lee Russell Council of Governments Utility Assistance Program, Twin Cedars Child Advocacy Center, East Alabama Food Bank Community Market, and the Unity Wellness AIDS Outreach Center, the City of Opelika will make a difference in our community. Our low-mod individuals and families will be able to find assistance with their energy bills, food to eat, assistance with rent or mortgage, and counseling if a victim of abuse. We want to take care of our most needy.

Projects

AP-35 Projects – 91.220(d)

Introduction

Projects have been identified based on the needs of our community as follows:

Housing Needs:

CDBG funds will continue to be used to improve housing conditions through our *Emergency Home Repair Program*. The *Home Ownership Loan Program* will provide down payment and closing cost assistance to first time home buyer purchasing inside the city limits of Opelika.

Public Facilities:

Public facilities has been identified as a high priority in our Jeter-Carver Plan, which outlines areas of need within the City of Opelika's two designated target areas: Census tracts 414 and 416. Funds will be designated for sidewalk and lighting improvements and better crosswalks in both neighborhoods. Also, a bike trail will be introduced in the Jeter community.

Public Services:

Public Service support will always be needed to assist low-moderate income individuals and families. CDBG funds will be used in support of the following organizations:

- East Alabama Food Bank Community Market - meets the need of those with food insecurities.
- Lee Russell Council of Government Emergency Utility Assistance – provides once annually utility payment assistance.
- Twin Cedars Child Advocacy Center – provides forensic interviews and counseling services to victims and non-offending family members of sexual abuse and domestic violence, particularly to children.
- Unity Wellness – provides rental and mortgage assistance along with emergency hotel stays while actively seeking housing placement for LMI HIV/AIDS patients who are at risk for homelessness.

Rehabilitation

The core of any successful downtown is one that is walkable, preserved, and unique with a strong evidence of pride in the community. Opelika is a strong example of a successful downtown. In order to continue helping our downtown to grow and prosper, CDBG funds are used to support the *Main Street Façade Grant Program*. This program provides 50% reimbursement, up to \$7,000, to downtown

business owners who repair or renovate the exterior façades of their buildings. This is a great economic development tool that encourages new businesses to open and existing business to remain in our downtown which in turn provides jobs and revenue for the city.

Projects

#	Project Name
1	ADMINISTRATION
2	HOME OWNERSHIP
3	EAFB-COMMUNITY MARKET
4	EMERGENCY HOME REPAIR
5	MAIN STREET FACADE
6	LRCG-UTILITY ASSISTANCE
7	TWIN CEDARS CHILD ADVOCACY CENTER
8	SIDEWALKS/STREETSCAPES

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

AP-38 Project Summary
Project Summary Information

Attachment: DRAFT2 Action Plan (165-17 : Approve PY2017 CDBG Action Plan)

1	Project Name	ADMINISTRATION
	Target Area	COMMUNITY WIDE
	Goals Supported	Decent housing Affordable housing Supportive Services Public Facilities/Infrastructure Facade Renovations
	Needs Addressed	Affordable housing rehab Affordable housing Supportive Services Eliminate slum/blight Public Infrastructure/facilities
	Funding	CDBG: \$45,272
	Description	ADMINISTRATION AND PLANNING
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	ADMINISTRATION OF GRANT AND ALL ACTIVITIES
	Location Description	ADMINISTRATION OF GRANT AND ALL ACTIVITIES
	Planned Activities	ADMINISTRATION OF ALL GRANT ACTIVITIES
2	Project Name	HOME OWNERSHIP
	Target Area	COMMUNITY WIDE
	Goals Supported	Affordable housing
	Needs Addressed	Affordable housing
	Funding	CDBG: \$20,000

	Description	PROVIDE UP TO 50% LENDER REQUIRED DOWN PAYMENT AND CLOSING COST ASSISTANCE NOT TO EXCEED A MAX CONTRIBUTION OF \$6,000 TO LOW-MOD INCOME HOME BUYERS WHEN PURCHASING INSIDE THE CITY LIMITS. THIS IS AN INTEREST FREE FIVE YEAR LOAN SECURED WITH A PROMISSORY NOTE AND MORTGAGE. EACH YEAR 1/5 OF THE BALANCE IS FORGIVEN. AT THE END OF FIVE YEARS THE MORTGAGE IS RELEASED. IN THE EVENT THE HOME OWNER MOVES OUT OF THE HOME (SALES, RELOCATES, FORECLOSURE, ETC), THE BALANCE THAT HAS YET TO BE FORGIVEN AND IS REMAINING IMMEDIATELY BECOMES DUE AND PAYABLE.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	PROVIDE DOWNPAYMENT AND CLOSING COST ASSISTANCE FOR FOUR TO SIX (4-6) LOW-MOD INCOME FIRST TIME HOME BUYERS WHEN PURCHASING INSIDE THE CITY LIMITS OF OPELIKA.
	Location Description	HOME PURCHASE AVAILABLE CITYWIDE AS LONG AS THE HOME IS LOCATED INSIDE THE CITY LIMITS OF OPELIKA.
	Planned Activities	PROVIDE UP TO 50% LENDER REQUIRED DOWN PAYMENT AND CLOSING COST ASSISTANCE UP TO A MAXIMUM OF \$6,000 TO FIRST TIME HOME BUYERS WHO PURCHASE INSIDE OPELIKA CITY LIMITS.
3	Project Name	EAFB-COMMUNITY MARKET
	Target Area	COMMUNITY WIDE
	Goals Supported	Supportive Services
	Needs Addressed	Supportive Services
	Funding	CDBG: \$22,500
	Description	EAFB COMMUNITY MARKET ALLOWS CITIZENS WITH FOOD INSECURITIES TO SHOP FOR THEIR FOOD IN A GROCERY STORE ENVIRONMENT. CDBG FUNDS ARE USED TO PAY THE RENT AND UTILITIES FOR THE MARKET.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	A WIDE RANGE OF LOW-MODERATE INCOME INDIVIDUALS AND FAMILIES OF ALL AGES ARE ABLE TO SHOP FOR GROCERIES AND HOUSEHOLD ITEMS AT THE COMMUNITY MARKET.

	Location Description	ALL LOW-MOD CITIZENS OF OPELIKA WHO HAVE FOOD INSECURITIES AND NEED ASSISTANCE MAY QUALIFY TO SHOP AT THE FOOD BANK COMMUNITY MARKET LOCATED IN OPELIKA.
	Planned Activities	CDBG FUNDS ARE USED TO PROVIDE RENTAL AND UTILITY REIMBURSEMENT FOR THE FACILITY HOUSING THE MARKET.
4	Project Name	EMERGENCY HOME REPAIR
	Target Area	COMMUNITY WIDE
	Goals Supported	Decent housing
	Needs Addressed	Affordable housing rehab
	Funding	CDBG: \$72,137
	Description	ASSISTANCE IS PROVIDED TO LOW-MOD INCOME HOME OWNERS INSIDE THE CITY LIMITS TO HAVE REPAIRS TO THEIR HOME THAT ADDRESS HEALTH AND SAFETY ISSUES. MAJORITY OF REPAIRS INCLUDE: ELECTRICAL, PLUMBING, FAILED FLOORING, ROOF REPAIRS OR REPLACEMENTS, INSTALLATION OF SMOKE/CARBON DETECTORS, HOT WATER HEATERS, AND HANDICAP ACCESSIBILITY. REPAIRS ARE SECURED WITH A PROMISSORY NOTE AND FIVE YEAR MORTGAGE IN THE AMOUNT OF THE TOTAL COST OF REPAIRS. EACH YEAR 1/5 OF THE BALANCE IS FORGIVEN. AT THE END OF THE FIVE YEAR PERIOD THE MORTGAGE IS RELEASED. IF THE HOME OWNER MOVES OUT OF THE PROPERTY (SALES, RELOCATES, FORECLOSURE) THE BALANCE REMAINING BECOMES DUE AND PAYABLE. A HOMEOWNER CAN ONLY QUALIFY ONCE EVERY FIVE YEARS.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	THROUGH THE EMERGENCY HOME REPAIR PROGRAM WE WILL ASSIST APPROXIMATELY FIFTEEN (15) HOMEOWNERS WITH REHAB AND REPAIRS OF PENDING SAFETY AND HEALTH DEFICIENCIES. THE MAJORITY OF HOUSEHOLDS ARE ELDERLY WOMEN WHO LIVE ALONE. MOST ARE ALSO DISABLED.
	Location Description	REPAIRS ARE DONE CITYWIDE. HOWEVER, MOST OF THE HOMES WE REPAIR ARE LOCATED IN THE CITIES TWO DESIGNATED TARGET AREAS OF CARVER AND JETER NEIGHBORHOODS.

	Planned Activities	REHAB AND REPAIRS ARE DONE ADDRESSING HEALTH AND SAFETY ISSUES. MOST REPAIRS CONSIST OF LEAKING ROOFS, DAMAGED/FAILED FLOORING, ELECTRICAL OR PLUMBING REPAIRS, AND HANDICAP ACCESSIBILITY. IF SMOKE OR CARBON DETECTORS ARE NOT PRESENT, THEY ARE INSTALLED IN ALL HOMES WORKED ON FOR SAFETY. STAFF CAN AUTHORIZE WORK UP TO \$12,000 TO BE PERFORMED. ANY OWRK BEYOND THIS AMOUNT REQUIRES ADMINISTRATION APPROVAL.
5	Project Name	MAIN STREET FACADE
	Target Area	HISTORIC DOWNTOWN
	Goals Supported	Facade Renovations
	Needs Addressed	Eliminate slum/blight
	Funding	CDBG: \$10,000
	Description	THIS PROGRAM PROVIDES 50% REIMBURSEMENT, UP TO \$7,000, FOR EXTERIOR FACADE REHABS IN OUR HISTORIC DOWNTOWN BUSINESS DISTRICT. THUS, IMPROVING THE DISTRICT AND ENCOURAGING ECONOMIC GROWTH AND CREATING ADDITIONAL JOBS. OPELIKA MAIN STREET REQUIRES THE APPLICANT TO OBTAIN SEALED ESTIMATES AND THE LOWEST BID IS SELECTED.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	FACADE REHABS IN OUR HISTORIC DOWNTOWN BUSINES DISTRICT IMPROVES THE DISTRICT BY ENCOURAGING ECONOMIC GROWTH AND THE ADDITION OF AVAILABLE JOBS. THE DOWNTOWN BUSINESS DISTRICT IS LOCATED BETWEEN THE CITIES TWO DESIGNATED TARGET NEIGHBORHOODS OF CARVER AND JETER.
	Location Description	DOWNTOWN HISTORIC BUSINESS DISTRICT
	Planned Activities	THE PROPERTY OWNER OR TENANT OBTAINES THREE ESTIMATES FOR EXTERIOR FACADE REPAIRS OR IMPROVEMENTS AND DELIVERS THEM TO THE MAIN STREET BOARD IN SEALED ENVELOPES. THE BOARD MEETS AND REVIEWS ESTIMATES AND SELECTS CONTRACTOR TO PERFORM WORK. CONTRACTS ARE DRAWN UP AND SIGNED. THE OWNER/TENANT PAYS THE CONTRACTOR AND UPON COMPLETION OF WORK PROVIDES MAIN STREET WITH A COPY OF PAID RECEIPT AND SIGNED CERTIFICATE OF COMPLETION. THIS IS PROVIDED TO THE CITY WITH A REQUEST FOR PAYMENT. REIMBURSEMENT OF 50%, UP TO \$7,000, IS PAID TO MAIN STREET. MAIN STREET THEN PAYS TO THE OWNER/TENANT.
	Project Name	LRCG-UTILITY ASSISTANCE

6	Target Area	COMMUNITY WIDE
	Goals Supported	Supportive Services
	Needs Addressed	Supportive Services
	Funding	CDBG: \$8,954
	Description	UTILITY ASSISTANCE WILL BE PROVIDED TO LOW-MOD INCOME INDIVIDUALS OR FAMILY TO PAY A UTILITY/ENERGY BILL.
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	UTILITY ASSISTANCE WILL BE PROVIDED TO APPROXIMATELY 104 LOW-MOD INCOME INDIVIDUALS/FAMILIES.
	Location Description	UTILITY ASSISTANCE IS AVAILABLE TO RESIDENTS WHO LIVE INSIDE THE CITY LIMITS OF OPELIKA.
	Planned Activities	ASSISTANCE WITH UTILITY/ENERGY BILL FOR LOW-MOD INCOME RESIDENCE OF OPELIKA. THIS AVERAGES OUT TO ABOUT \$68 PER INDIVIDUAL.
7	Project Name	TWIN CEDARS CHILD ADVOCACY CENTER
	Target Area	COMMUNITY WIDE
	Goals Supported	Supportive Services
	Needs Addressed	Supportive Services
	Funding	CDBG: \$2,500
	Description	THE CHILD ADVOCACY CENTER PROVIDES FORENSIC INTERVIEWS FOR CHILDREN WHO ARE SUSPECTED VICTIMS OF SEXUAL ABUSE AND COUNCELING SESSIONS AS NEEDED.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	THE CHILD ADVOCACY CENTER PROVIDES FORENSIC INTERVIEWS FOR APPROXIMATELY TWENTY FOUR (24) CHILDREN WHO ARE SUSPECTED VICTIMS OF SEXUAL ABUSSE AND COUNCELING SESSIONS.
	Location Description	FORENSIC INTERVIEWS AND COUNSELING SESSIONS ARE CONDUCTED ON CHILDREN WHO ARE RESIDENTS OF OPELIKA AT THEIR CENTER LOCATED IN OPELIKA.

	Planned Activities	FORENSIC INTERVIEWS AND COUNCELING SESSIONS FOR SUSPECTED VICTIMS OF SEXUAL ABUSE. NO CHILD IS EVER TURNED AWAY DUE TO INABILITY TO PAY. CDBG FUNDS ARE USED TO REIMBURSE AT A FLAT FEE OF \$88 FOR SERVICES RENDERED.
8	Project Name	SIDEWALKS/STREETSCAPES
	Target Area	JETER NEIGHBORHOOD CARVER NEIGHBORHOOD
	Goals Supported	Public Facilities/Infrastructure
	Needs Addressed	Public Infrastructure/facilities
	Funding	CDBG: \$45,000
	Description	SIDEWALKS AND STREETSCAPE IMPROVEMENTS WILL BE MADE IN THE CITIES TWO DESIGNATED TARGET NEIGHBORHOODS OF CARVER AND JETER. THESE TWO NEIGHBORHOODS HAVE THE HIGHEST CONCENTRATION OF POVERTY.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	CENSUS TRACTS 414 AND 416 WILL BENEFIT FROM SIDEWALK AND STREETSCAPE IMPROVEMENTS TO BE PERFORMED OVER THE NEXT FEW YEARS. THE CARVER-JETER REVITALIZATION PLAN IS A STRETEGIC PLAN FOR LAND USE AND ZONING, TRANSPORTATION, OPEN SPACE AND ENVIRONMENT, URBAN DESIGN, HISTORIC RESOURCES, PUBLIC SERVICES, AND ECONOMIC DEVELOPMENT.
	Location Description	THE CARVER (414) AND JETER (416) NEIGHBORHOODS.
	Planned Activities	SIDEWALKS, LIGHTS, GREENSPACE, BIKE PATHS, WALKING TRAILS, STREET ARTS, AND MUCH MORE!

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Opelika offers funding to citizens citywide. However, there is concentration on providing services in Census Tracts 414 and 416 which are our two highest concentration of minorities and poverty.

Geographic Distribution

Target Area	Percentage of Funds
COMMUNITY WIDE	15
JETER NEIGHBORHOOD	30
CARVER NEIGHBORHOOD	30
HISTORIC DOWNTOWN	5

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Assistance is available to all citizens who are LMI and live within the city limits of Opelika. However, the Carver and Jeter neighborhoods are our two highest concentration of minorities and poverty. It is for this reason that most of our request for assistance come from those who live in these areas.

Discussion

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Opelika will continue our Home Ownership Loan Program for first time home buyers and Emergency Home Repairs for current home owners who need health and safety issues addressed.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	5
Special-Needs	0
Total	5

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	15
Acquisition of Existing Units	0
Total	15

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

Our initial Consolidated Plan showed Habitat for Humanity building one new home for the next five years in the Carver-Jeter neighborhoods. However, this activity has been removed due to Habitat not being an approved CBDO.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Opelika will continue to work with the Opelika Housing Authority to address housing needs and encourage homeownership. The City of Opelika proposed a new zoning change for Public Housing that required mixed income development. However, this recommendation was not approved. The Planning Department still believes this is an excellent concept in new development and continues to seek a developer who will take on this type of project in Opelika.

Actions planned during the next year to address the needs to public housing

The City of Opelika and community groups are working together to identify solutions to our public housing needs and how to redevelop them in to mixed income housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Efforts will be made to make residents of the Opelika Housing Authority aware of homeownership opportunities through down payment and closing cost assistance available under CDBG, housing counseling, and Fair Housing awareness.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

N/A

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Efforts to help families avoid homelessness will include the allocation of CDBG funds through Utility Assistance, Emergency Home Repairs, and Home Ownership activities. In addition, the CoC has a policy developed with consultation from major stakeholders including mental health facilities, law enforcement, hospitals, the Department of Human Resources, community-based organizations, service providers, judges, prosecutors and governmental agencies. The policy defines the criteria for homelessness, lists the common causes of homelessness, contains recommendations, and details the level of commitment expected by service providers. In addition, the policy affirms that in no instance should any one agency or institution take the sole responsibility for the homeless, but that each should clearly demonstrate a willingness to participate with the CoC, the community, service providers and like-minded agencies in responding to and addressing these problems.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City's primary goal for reducing and ending homelessness is its continued participation in the regional CoC for the coordination of care and services. Actions will include the continued allocation of funding to service agencies that are involved in providing assistance to the homeless and those at risk of becoming homeless. The City has allocated General Fund and CDBG dollars for this purpose.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City does not provide direct support to homeless persons, but will serve the community through the continued provision of General and CDBG funds for services and programs that meet the needs of the homeless population, sheltered or unsheltered.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals

and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The need for transitional and permanent housing has been identified as a low priority need within the community. Referrals will be made to our regional CoC and Unity Wellness Center for care and services. CDBG funding also provides support to services providers who provide food assistance and basic supportive services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Opelika uses CDBG funding to provide supportive services such as utility and food assistance. Our Home Buyer Loan program assist with down payment and closing cost when purchasing affordable housing. Through a tight network of local service providers and assistance from our regional CoC and Unity Wellness Center, the likelihood that families will fall into homelessness again is greatly decreased.

Discussion

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Opelika continues to look for developers for mixed income housing units to be built. We are also working with Auburn University Department of Urban Design at affordable housing options that have been built in other areas of Alabama that are not only affordable to build but are also very energy efficient.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Current land use, tax policies, zoning, and building codes are not barriers to affordable housing. Our land use maps are a “working document” and are adjusted as needed to meet the needs of residential development. Our zoning regulations permit a variety of housing types, neighborhood configurations, and lot sizes. Planned efforts with regard to affordable housing include Emergency Home Repairs .

Discussion:

AP-85 Other Actions – 91.220(k)

Introduction:

The City of Opelika will continue to work through the Carver-Jeter Revitalization Plan along with the Casey Foundation and Community of Hope, Auburn University Mobile Studio, and Auburn University Urban Studio to address the needs of its low-moderate income citizens so that their lives are enriched in every possible way.

Actions planned to address obstacles to meeting underserved needs

Plans to meet underserved needs include the continued provision of funding for public service activities that focus on LMI families and continued participation in the regional CoC.

Actions planned to foster and maintain affordable housing

CDBG funding single family Emergency Home Repairs, Habitat for Humanity home, and first time home buyer Home Ownership Loans are available within the Opelika city limits.

Actions planned to reduce lead-based paint hazards

The City of Opelika will continue to make home owners living in homes built prior to 1978 aware of the potential of lead based paint and the hazards of lead based paint. However, due to limited funding the city has chosen not to undertake work on homes that risk the disturbance of lead based paint at this time.

Actions planned to reduce the number of poverty-level families

The City's primary effort to reduce the number of families in poverty will be to provide financial support to organizations which have a mission of assisting households in poverty. Funds have been allocated for public services which include East Alabama Food Bank Community Market which provides a grocery

store style market for LMI to shop for food and household goods.

Actions planned to develop institutional structure

The City serves as the grantee and administrator of CDBG funding. The Community Development department is housed within the Planning department and has a dedicated staff member to manage the program. City personnel also provides support for administration of program including housing inspectors, engineering, public works, and accounting.

Actions planned to enhance coordination between public and private housing and social service agencies

The City serves as the grantee and administrator of CDBG funding. The Community Development department is housed within the Planning department and has a dedicated staff member to manage the program. City personnel also provides support for administration of program including housing

Discussion:

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

The City of Opelika does not have activities that are income producing. In the event that one of our forgivable loans goes into repayment, it has never been in an amount that requires program income to be reported. The City of Opelika does not participate in section 108 loan guarantees, urban renewal settlements, or float-funded activities.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	9,500
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	75.00%

Annual Action Plan
2017

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Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)
2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.
3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).
4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.
5. Describe performance standards for evaluating ESG.

Housing Trust Fund (HTF)
Reference 24 CFR 91.220(l)(5)

1. Distribution of Funds
 - a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2).
 - b. Describe the jurisdiction's application requirements for eligible recipients to apply for HTF funds.

c. Describe the selection criteria that the jurisdiction will use to select applications submitted by eligible recipients.

d. Describe the jurisdiction's required priority for funding based on geographic distribution, which is a description of the geographic areas of the State (including areas of low-income and minority concentration) in which it will direct assistance during the ensuing program year.

e. Describe the jurisdiction's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner.

f. Describe the jurisdiction's required priority for funding based on the extent to which rents for units in the rental project are affordable to extremely low-income families.

g. Describe the jurisdiction's required priority for funding based on the financial feasibility of the project beyond the required 30-year period.

h. Describe the jurisdiction's required priority for funding based on the merits of the application in meeting the priority housing needs of the jurisdiction (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations).

i. Describe the jurisdiction's required priority for funding based on the location of existing affordable housing.

j. Describe the jurisdiction's required priority for funding based on the extent to which the application makes use of non-federal funding sources.

2. Does the jurisdiction's application require the applicant to include a description of the eligible activities to be conducted with HTF funds?

3. Does the jurisdiction's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements?

4. Performance Goals and Benchmarks. The jurisdiction has met the requirement to provide for performance goals, consistent with the jurisdiction's goals established under 24 CFR 91.215(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

5. Rehabilitation Standards. The jurisdiction must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The jurisdiction's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The jurisdiction must attach its rehabilitation standards below. If the jurisdiction will not use HTF funds for the rehabilitation of housing, enter "N/A".

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances, and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

6. Resale or Recapture Guidelines. Below, the jurisdiction must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the jurisdiction will not use HTF funds to assist first-time homebuyers, enter "N/A".

7. HTF Affordable Homeownership Limits. If the jurisdiction intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the jurisdiction will not use HTF funds to assist first-time homebuyers, enter "N/A".

8. Limited Beneficiaries or Preferences. Describe how the jurisdiction will limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population to serve unmet needs identified in its consolidated plan or annual action plan. If the jurisdiction will not limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population, enter "N/A."

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the jurisdiction must not limit or give preferences to students. The jurisdiction may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303 only if such limitation or preference is described in the action plan.

9. Refinancing of Existing Debt. Enter or attach the jurisdiction's refinancing guidelines below. The guidelines describe the conditions under which the jurisdiction will refinance existing rental housing project debt. The jurisdiction's refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the jurisdiction will not refinance existing debt, enter "N/A."

Discussion:

The only funded activities not benefiting low-mod income is Administration and Main Street Facade Grant.

City of Opelika
Community Development Block Grant (CDBG)
PY 2017 Budget

	Proposed PY2016 Budget	Proposed PY2017 Budget	Increase/ Decrease
TOTAL GRANT AMOUNT	\$220,270.00	\$226,363.00	3%
PUBLIC SERVICES (15% cap)	\$33,040.00	\$33,954.00	
LRCG Utility Assistance	\$7,500.00	\$8,954.00	19%
East Alabama Food Bank Community Market	\$21,040.00	\$22,500.00	7%
Unity Wellness-AIDS Outreach	\$2,000.00	\$0.00	
Greater Peace Community Development Corp K-4	\$0.00	\$0.00	0%
Twin Cedars Child Advocacy Victims of Sexual Abuse	\$2,500.00	\$2,500.00	0%
PUBLIC FACILITIES	\$45,000.00	\$45,000.00	
Sidewalk/Streetscape	\$45,000.00	\$45,000.00	0%
HOUSING SERVICES	\$88,176.00	\$92,137.00	
Emergency Home Repair	\$43,176.00	\$72,137.00	40%
Home Ownership Assistance	\$25,000.00	\$20,000.00	-20%
Habitat for Humanity	\$20,000.00	\$0.00	
REHABILITATION	\$10,000.00	\$10,000.00	
Main Street Opelika Façade Grant Program	\$10,000.00	\$10,000.00	0%
ADMINISTRATION (20% cap)	\$44,054.00	\$45,272.00	
Administration	\$44,054.00	\$45,272.00	3%

Attachment: PY2017 Draft Budget (165-17 : Approve PY2017 CDBG Action Plan)

RESOLUTION NO. 166-17

Agreement with Metaswitch Networks, Ltd - OPS

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS TO
PURCHASE HARDWARE, SOFTWARE AND MAINTENANCE AND SUPPORT
SERVICES FROM METASWITCH NETWORKS, LTD AND DECLARING
METASWITCH TO BE A SOLE SOURCE SUPPLIER**

WHEREAS, Metaswitch Networks, Ltd (“Metaswitch”) provides network interconnect equipment and software ; and

WHEREAS, Metaswitch’s equipment and software are compatible with the City of Opelika’s (the “City”) telecommunication system; and

WHEREAS, the Opelika Power Services Department (“OPS”) has a need to purchase Metaswitch hardware and software upgrades as well as maintenance and support services; and

WHEREAS, Metaswitch’s products will be used to upgrade and replace the City’s phone switches and related equipment; and

WHEREAS, Metaswitch is the manufacturer and the only source of such hardware, software and the sole provider of such maintenance and support services; and

WHEREAS, the Purchasing-Revenue Manager has recommended approval of said award to Metaswitch as a sole source supplier; and

WHEREAS, funds for the procurement of said goods and services are budgeted from the Cable System Construction Fund.

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

Alabama, as follows:

1. That the City Council hereby finds and determines that Metaswitch is the sole source of Metaswitch hardware, software and services required to operate and maintain the City's telecommunications system.

2. That OPS and the Purchasing-Revenue Manager are hereby authorized and directed to procure upgraded hardware, software and services as needed from Metaswitch in accordance with the provisions of Section 3 below.

3. That the City Council hereby appropriate the total sum of \$300,000 to procure Metaswitch's products and services with the purchase price being spread over three (3) years. \$100,000 shall be budgeted per year for three (3) years from the Cable System Construction Fund. All purchase orders for Metaswitch goods and services shall be paid from the Cable System Construction Fund.

4. That the Purchasing-Revenue Manager is hereby authorized and directed to issue all appropriate and necessary purchase orders to implement this Resolution; provided the aggregate amount of said purchase orders shall not exceed \$300,000.

5. That the Metaswitch Support Service Level Agreement to be entered into by and between Metaswitch and the City of Opelika, a copy of which is attached hereto and marked "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 execution and delivery of said Agreement.

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

Agreement in the name and on behalf of the City and to execute such other ancillary documents, applications, schedules, attachments, exhibits and certificates as may be necessary to carry into effect the purpose and intent of said Agreement and to carry out fully the transactions contemplated therein on behalf of the City.

7. That the Mayor and Controller are hereby authorized and directed to make such budget adjustments and accounting entries as necessary to carry into effect the provisions of this Resolution.

8. 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 Agreement.

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

ADOPTED AND APPROVED this the _____ day of _____, 2017.

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

ATTEST:

CITY CLERK



Metaswitch Networks
11600 Sunrise Valley Drive
Suite 380
Reston
VA 20191

Tel: 703 480 0500
Fax: 703 480 0499
www.metaswitch.com

June 2, 2017

Nathan Mallory
Opelika Power
600 Fox Run Parkway
Opelika, AL 36801

Dear Nathan,

This letter is to inform you that Metaswitch has a worldwide sales team, who directly manage our customer relationships. In practice, Metaswitch does not utilize outside distributors or resellers to deliver our Support Services within the United States.

Additionally, in our 17 year history of doing business in the United States, no customer has used a reseller for support services.

Thank you for your continued business with Metaswitch.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Hally", with a long horizontal flourish extending to the right.

Patrick Hally
Sales Director
703-480-0509
patrick.hally@metaswitch.com

Attachment: Jun-2017-Opelika Sole Source Letter (166-17 : Metaswitch Networks (OPS))

METASWITCH SUPPORT SERVICE LEVEL AGREEMENT(VPM-339-V20150812)

This Metaswitch Support Service Level Agreement (hereinafter called the “SLA”) defines the scope of responsibility of Metaswitch and the purchaser (hereinafter called the “Customer”) of the hardware and software defined in the referencing proposal or agreement together with its associated Terms and Conditions (hereinafter called the “Agreement”) in the provision of maintenance and support services.

In the event of any conflict between the Agreement and this SLA, the terms of the Agreement shall prevail.

Definitions

“Metaswitch Hardware” means Metaswitch branded physical hardware as set out in the Agreement or purchased by Customer by execution of further purchase orders.

“Third-Party Equipment” means equipment provided by a third party and supplied by Metaswitch to Customer under a Metaswitch part number as set out in the Agreement or purchased by Customer by execution of further purchase orders.

“Ancillary Equipment” means equipment provided by a third party and supplied by Metaswitch to Customer but where warranty and support for the equipment is provided by the third party rather than Metaswitch.

“Purchased Hardware” means Metaswitch Hardware and Third-Party Equipment.

“Metaswitch Software” means Metaswitch’s computer programs and other software as set out in the Agreement or licensed through further purchase orders, whether said software is explicitly identified as a purchasable Metaswitch part number or embedded within the Purchased Hardware or provided by Metaswitch for use with the Purchased Hardware. Metaswitch Software shall also include all corrections, modifications and enhancements to such programs provided to Customer by Metaswitch hereunder.

“Third-Party Software” means third party computer programs and other software as set out in the Agreement or licensed through further purchase orders, whether said software is explicitly identified as a purchasable Metaswitch part number or embedded within the Purchased Hardware or provided by Metaswitch for use with the Purchased Hardware. Third-Party Software shall also include all corrections, modifications and enhancements to such programs provided to Customer by Metaswitch hereunder.

“Licensed Software” means Metaswitch Software and Third-Party Software.

“Product” shall mean any and all Purchased Hardware, Licensed Software and Ancillary Equipment.

“Customer Network” means the Customer’s network infrastructure (whether non-virtual or virtual) in which Product is deployed including all physical hardware that is not Purchased Hardware or Ancillary Equipment.

“Warranty Period” means the period of warranty which for Purchased Hardware extends for one (1) year from the date of delivery of the Purchased Hardware.

“Support Plan” is the collective name for the maintenance and support services defined in this SLA, with the exception of those covered under Extended Hardware Warranty.

“Extended Hardware Warranty” is an extension to the Support Plan which provides additional maintenance and support service for Purchased Hardware as defined in this SLA.

“Metaswitch Communities” is a website of information relating to the Product which can be accessed by Customer from <https://communities.metaswitch.com>

“Ticket System” is an online system for Customer to initiate and review resolution status of Customer’s trouble tickets which can be accessed from Metaswitch Communities.

“Support VPN” is a customer-controlled, secure virtual private network connection established by Metaswitch products direct to three Metaswitch premises. It is used by Metaswitch, only with the customer’s permission, to (a) to access customer systems to troubleshoot problems, (b) to monitor customer systems for vulnerability to known defects, and (c) to periodically audit system usage for the purpose of license reconciliation.

“Maintenance Release Schedule” is accessible by the Customer at <https://communities.metaswitch.com/docs/DOC-24441> and gives the current schedule of the periodic Maintenance Releases.

(1) METASWITCH RESPONSIBILITIES

1.1 Overview of Support Plan

- 1.1.1 Support Plan is a maintenance and support service for the Product provided by Metaswitch to Customer under the terms specified in the Agreement.
- 1.1.2 The service is provided by Metaswitch personnel with detailed knowledge of the deployment, configuration, operation and support of the Product.
- 1.1.3 The service is provided to Customer personnel with working knowledge of the deployment, configuration and operation of the Product, and of related technologies, and of the Customer Network, and unless otherwise agreed is not provided to Customer personnel without that working knowledge or to Customer’s own customers, subscribers or end users.
- 1.1.4 The service provides a reasonable level of email and telephone question answering to assist Customer support personnel with deployment, configuration and operation of the Product but unless otherwise agreed does not provide training to Customer personnel who lack required working knowledge.
- 1.1.5 The service provides technical support to resolve problems with the Product where Customer personnel are unable to identify the cause and resolution of the problem after reasonable investigation or where Customer personnel can identify the source of the problem but the resolution appears to require expert engineering assistance from Metaswitch.
- 1.1.6 The service uses processes that provide appropriate responsiveness for problems with Product deployed in central office, data center or similar facilities where there is an actual or imminent critical impact on Customer's business operations and for Customer is requesting urgent round-the-clock assistance, or where there is an actual or imminent major impact on Customer’s business operations and Customer is requesting prompt business hours assistance.
- 1.1.7 The service provides remote support for scheduled out of hours maintenance events for Product deployed in a central office, data center or similar facilities where the date, time and procedure for the maintenance event has been agreed in advance with Metaswitch. The service is subject to Metaswitch having Support VPN access to Product(s) deployed in the Customer Network.
- 1.1.8 The service provides for remote monitoring of Product as deployed in Customer Network for vulnerability to known problems which would not otherwise be detected and notified to Customer personnel by standard Product notification mechanisms. This service is subject to Metaswitch having Support VPN access to Product deployed in Customer Network.
- 1.1.9 The service makes available new releases of Licensed Products from time to time containing both problem fixes and functional extensions and enhancements.
- 1.1.10 The service provides for Customer to return and replace failed Purchased Hardware during the Warranty Period for the failed hardware and then subsequently where the Purchased Hardware is covered by Extended Hardware Warranty as defined in this SLA. The equivalent service for Ancillary Equipment is subject to warranties and support services between Customer and the appropriate third party. Where possible Metaswitch will provide assistance to help Customer work with the relevant third party in the event of the failure of an item of Ancillary Equipment.
- 1.1.11 The service is provided in English unless otherwise agreed with specific Metaswitch personnel for specific elements of the maintenance and support service.

1.2 Support Interfaces

- 1.2.1 Metaswitch shall designate a Primary Technical Contact who Customer can contact by telephone, by using the Ticket System, or by email during the Primary Technical Contact’s working hours for all aspects of the Support Plan.
- 1.2.2 Metaswitch shall provide a Service Desk which Customer can contact by telephone during Service Desk’s hours of operation on any weekday, excluding designated public holidays.

- 1.2.3 Metaswitch shall provide an Out of Hours Support service for which Customer can schedule remote support for out of hours maintenance events.
- 1.2.4 Metaswitch shall provide a 24x7 Support service that is available 24 hours a day, every day of the year which Customer can contact to request immediate assistance for problems that qualify for 24x7 Support based on the criteria in this section.
- 1.2.5 The 24x7 Service is for problems relating to the Product affecting a significant number of active customers, subscribers or end users, and where the relevant hardware is deployed in central office, data center or similar facilities, and where there is an actual or imminent critical impact on Customer's business operations, and where there is no viable backout plan to restore service, and where reasonable efforts have been made to rule out a problem in the Customer Network or from recent Customer Network configuration changes.
- 1.2.6 The 24x7 Support service is not for use for problems with lab systems, or for problems where the relevant hardware is deployed on premises of customer, subscriber or end user of telecoms services, or for problems where waiting until the Primary Support Contact or Service Desk is available would not risk any critical impact on Customer's business, or where it is reasonable for Customer to first investigate whether there is a problem in the Customer Network or from recent Customer Network configuration changes.
- 1.2.7 The 24x7 Support service is not normally for use for problems relating to the commissioning and turn-up of new services unless otherwise agreed in advance with Customer and at a cost to Customer which is specified in the Agreement.
- 1.2.8 The 24x7 Support service is not normally for use for problems relating to non-commercial trials and evaluations unless otherwise agreed in advance with Customer and at a cost to Customer which is specified in the Agreement.
- 1.2.9 The 24x7 Support service is not for use for recovering service after hardware failure on non-redundant systems where a redundant configuration was available from Metaswitch but Customer chose to deploy in a non-redundant configuration. Recovery in these cases should be coordinated through non-emergency support channels.
- 1.2.10 Metaswitch reserves the right to charge US\$1500 for each call to the 24x7 Support service where Customer and Metaswitch have agreed that said call does not qualify for 24x7 Support based on the criteria in this section.

1.3 Support Hours –USA, Canada

- 1.3.1 For Customers in USA and Canada, the Primary Technical Contact will normally be based in one of US Eastern, Central, Mountain, Pacific or Alaska Time.
- 1.3.2 For Customers in USA and Canada, the Service Desk is available on weekdays from 9:00AM US Eastern Time to 5:00PM US Pacific Time for customers in the Eastern, Central, Mountain and Pacific timezones and weekdays from 9:00AM to 5:00PM local time otherwise, excluding the following designated US public holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving (Thursday and Friday), Christmas Eve (afternoon only) and Christmas Day.
- 1.3.3 For Customers in USA and Canada, Out of Hours Support is available subject to scheduling and availability from 1am Monday - 11pm Friday UTC.
- 1.3.4 For Customers in USA and Canada, 24x7 Support is provided by other Metaswitch Personnel outside of the hours of the Primary Technical Contact and Service Desk, including by the Metaswitch Service Desks in the APAC and EMEA regions.

1.4 Support Hours - CALA (Caribbean and Latin America)

- 1.4.1 For Customers in CALA, the Primary Technical Contact will normally be based on Mexico Central Time.
- 1.4.2 For Customers in CALA, the Service Desk is available Monday to Friday from 9:00AM to 5:00PM Mexico Central Time or as specified in the Agreement, excluding the following designated 13 Mexican public holidays: New Year's Day, Constitution Day, Benito Juárez's Birthday Memorial, Maundy Thursday, Good Friday, Labor Day / May Day, Cinco de Mayo, Independence Day, Columbus Day, All Souls' Day, Revolution Day Memorial, Christmas Eve and Christmas Day

- 1.4.3 For Customers in CALA, the Service Desk is available Monday to Friday from 9:00AM to 5:00PM Mexico Central Time or as specified in the Agreement, excluding the following designated 13 Mexican public holidays: New Year's Day, Constitution Day, Benito Juárez's Birthday Memorial, Maundy Thursday, Good Friday, Labor Day / May Day, Cinco de Mayo, Independence Day, Columbus Day, All Souls' Day, Revolution Day Memorial, Christmas Eve and Christmas Day
- 1.4.4 For Customers in CALA, Out of Hours Support is available subject to scheduling and availability from 1am Monday - 11pm Friday UTC.
- 1.4.5 For Customers in CALA, Out of Hours Support is available subject to scheduling and availability from 1am Monday - 11pm Friday UTC.

1.5 Support Hours - EMEA (Europe, Middle East and Africa)

- 1.5.1 For Customers in EMEA, the Primary Technical Contact will normally be based on UK Time.
- 1.5.2 For Customers in EMEA, the Service Desk is available Monday to Friday from 9:00AM to 5:00PM local time or as specified in the Agreement, excluding the following designated UK public holidays: New Year's Day, Good Friday, Easter Monday, May Day, Early May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Christmas Eve (afternoon only), Christmas Day and Boxing Day.
- 1.5.3 For Customers in EMEA, calls to the Service Desk (Monday to Friday between 9:00AM and 5:00PM local time) which are made outside of the Primary Technical Contact's working hours will be routed to an alternative office.
- 1.5.4 For Customers in EMEA, Out of Hours Support is available subject to scheduling and availability from 1am Monday - 11pm Friday UTC.
- 1.5.5 For Customers in EMEA, 24x7 Emergency Support is provided by other Metaswitch Personnel outside of the hours of the Primary Technical Contact and Service Desk, including by the Metaswitch Service Desks in the USA and Canada, and the APAC regions.

1.6 Support Hours - APAC (Asia Pacific)

- 1.6.1 For Customers in APAC, the Primary Technical Contact will normally be based on Malaysia Standard Time (UTC+08:00).
- 1.6.2 For Customers in APAC, the Service Desk is available Monday to Friday from 9:00AM to 5:00PM local time or as specified in the Agreement, excluding 11 designated Malaysian public holidays. The list of public holidays will be provided at the beginning of the calendar year.
- 1.6.3 For Customers in APAC, calls to the Service Desk (Monday to Friday between 9:00AM and 5:00PM local time) which are made outside of the Primary Technical Contact's working hours will be routed to an alternative office.
- 1.6.4 For Customers in APAC, Out of Hours Support is available subject to scheduling and availability from 1am Monday - 11pm Friday UTC.
- 1.6.5 For Customers in APAC, 24x7 Emergency Support is provided by other Metaswitch Personnel outside of the hours of the Primary Technical Contact and Service Desk, including by the Metaswitch Service Desk in the USA and Canada, and the EMEA regions.

1.7 Management Escalation

- 1.7.1 If the resolution of a problem does not progress to the satisfaction of Customer, Customer should in the first instance discuss the issue in detail with the Primary Technical Contact to understand what escalation has taken place within Metaswitch.
- 1.7.2 If Customer is not satisfied with the progress and steps detailed by the Primary Technical Contact, Customer should contact the Regional Support Manager and / or the Sales Account Manager. Contact details for these persons are provided on commencement of the installation process and can also be provided by the Primary Technical Contact at any time.
- 1.7.3 Customer has further recourse to the VP of Support and the VP of Sales. Contact details for these persons can be provided by the Primary Technical Contact at any time.

1.8 Online Information

- 1.8.1 Metaswitch shall provide and maintain the Metaswitch Communities website, which provides Confidential Information made available to Customer.
- 1.8.2 Metaswitch Communities provides access to the Ticket System, including details of all Customers's open and closed tickets and the information recorded for them.
- 1.8.3 Metaswitch Communities includes latest versions of Licensed Software and Purchased Hardware documentation and SDKs, along with online articles on a wide variety of technologies, information on known issues, and advice and guidance.
- 1.8.4 Metaswitch Communities provides details of known software defects, including the releases the defects are known to affect, available upgrade releases, and the defects fixed in each upgrade release. See the Maintenance Release Schedule for the timing of the associated releases.
- 1.8.5 Metaswitch Communities includes an extensive Interoperability Test Database, which is a database listing all testing with partner equipment, certification status, configuration models and known issues.
- 1.8.6 Metaswitch Communities includes access to online questionnaires used for the provision of professional services.

1.9 Newsletters and Email Notifications

- 1.9.1 Metaswitch shall provide Customer with the opportunity to receive regular newsletters on both technical and marketing topics relating to Licensed Software and Purchased Hardware.
- 1.9.2 Metaswitch shall provide Customer with timely notification of Critical problems uncovered in internal testing or in the field, along with advice on workarounds and the availability of software fixes. This service is able to provide more targeted notifications if Metaswitch has Support VPN access to Product deployed in Customer Network.

(2) CUSTOMER RESPONSIBILITIES

2.1 Customer Network Design, Deployment and Configuration

- 2.1.1 Customer is responsible for the design, deployment and configuration of the Customer Network. Metaswitch will provide a reasonable level of telephone and email support in support of this activity as it relates to the Product. Customer may also choose to make use of available Metaswitch professional services to assist in these activities.
- 2.1.2 Customer is responsible for the selection of devices in the Customer Network which will interoperate with the Product. Metaswitch strongly encourages Customer to deploy devices that are Metaswitch Networks Accredited or Partner Certified, or to work with Metaswitch to certify any new device prior to deployment.
- 2.1.3 The list of devices that are Metaswitch Networks Accredited or Partner Certified is available on Metaswitch Communities along with details of the specific firmware and software versions tested, configuration models and known issues.
- 2.1.4 On receipt of a shipment of Purchased Hardware and Ancillary Equipment, Customer will review the shipment against the bill of materials provided by Metaswitch to ensure the correct number of boxes; and to inspect the shipment for damage in transit. If there are any signs of external damage, Customer must inspect the contents for damage. Customer must inform Metaswitch of any partial shipment or damage within ten (10) business days.
- 2.1.5 On unpacking a shipment of Purchased Hardware and Ancillary Equipment, Customer is responsible for storing all original packaging for re-use in case items must be returned to Metaswitch. If the original packaging is not available when required, Customer is responsible for purchasing replacement packaging.
- 2.1.6 If Customer deploys a device in the Customer Network that is not Metaswitch Networks Accredited then Customer should raise any interoperability issues in the first instance with the supplier of the device who should then take the lead in reproducing, diagnosing and fixing the problem.
- 2.1.7 Metaswitch will only fix such interoperability issues where the Product has been shown by the Customer or the supplier of the device to deviate from the Product Specification.

- 2.1.8 Metaswitch strongly encourages Customer to enable Metaswitch personnel to access Product deployed in Customer Network remotely using the Support VPN for the purposes of preventing or correcting problems.
- 2.1.9 The following elements of the Support Plan service are dependent on Metaswitch having Support VPN access to Product deployed in Customer Network: target times for problem resolution (see 3.2.4 and 3.3.4), remote monitoring of Product deployed in Customer Network (see 1.1.8), remote support for out-of-hours maintenance (see 1.1.7), and targeted notification of Critical problems (see 1.9.2). In addition, some professional services may be more expensive or unavailable if Support VPN access is not possible.
- 2.1.10 Third parties may place additional responsibilities on Customer as part of the terms of the warranty or support agreement for Ancillary Equipment.

2.2 Operation and Support of Customer Network

- 2.2.1 Customer is responsible for the operation of the Customer Network, including operating it within the tolerances defined in Product documentation, including but not limited to IP network tolerances for bandwidth, packet loss, delay and jitter. A well managed Customer Network is central to successful Product deployment.
- 2.2.2 Customer is responsible for the monitoring and support of the Customer Network and for identifying and resolving all service issues arising in the Customer Network.
- 2.2.3 Customer is responsible for the security of the Customer Network and of all applications running in the Customer Network. Lapses in security can result in theft of service, loss of service, loss of confidential data, and cost of re-installation equipment, re-provisioning and re-commissioning.
- 2.2.4 Customer responsibilities in relation to security include but are not limited to taking note of recommendations in Metaswitch documentation, taking note of Advisories posted on Metaswitch Communities in the Security Common Interest Group, deploying firewalls for general network security, deploying SBCs for security of VoIP and related traffic, using strong and user-unique passwords for SIP and other client authentication, and following industry standard best practices in relation to security.
- 2.2.5 Customer shall employ or have access to trained personnel with a detailed knowledge of the deployment, configuration, operation and support of the Customer Network and capable of diagnosing problems in the Customer Network.
- 2.2.6 Customer shall provide its own equipment required to perform troubleshooting efforts for the Customer Network by its personnel.
- 2.2.7 Where a service affecting problem may be caused by the Product or the Customer Network then Customer is responsible for making reasonable efforts to identify and resolve any problem in the Customer Network before raising the problem with Metaswitch.
- 2.2.8 Customer is responsible for all planned maintenance on the Customer Network including upgrades and maintenance procedures for the Product. Metaswitch provides MOPs for all Product upgrade and maintenance procedures prior to Customer performing the planned maintenance. Customer shall ensure that all planned maintenance has a clear back-out procedure that can be executed in the event of service issues arising from the maintenance.
- 2.2.9 Customer is responsible for planning for hardware failure in the Customer Network including appropriate deployment of redundant hardware and use of Metaswitch hardware replacement services for Purchased Hardware or third party hardware replacement services for Ancillary Equipment. If Customer requires a quicker hardware replacement than the services offered by Metaswitch or a third party, then Metaswitch recommends that Customer purchases spares to hold on-site. Customer is responsible for ensuring that any on-site spares are tested and in maintained in working order. Customer is responsible for the physical installation of all replacement hardware and spares.
- 2.2.10 In some failure or disaster conditions, recovery of the system relies on the use of system backups. It is the responsibility of Customer to take regular system backups and store them in an off-site location. In the event that backups have not been taken or kept, Metaswitch will make all reasonable efforts to restore the system to a working state but some data may be lost and need manual or other re-entry by Customer or Customer's subscribers.
- 2.2.11 Customers ordering Extended Hardware Warranty which would cover Purchased Hardware that is otherwise out of warranty may be required to sign a declaration as regards the good working order of the Purchased Hardware; to allow inspection of Purchased Hardware by or on behalf of Metaswitch; and to pay a re-instatement fee.

2.2.12 Where Metaswitch Software is supplied for use in a virtualization environment, Customer is responsible for deploying, provisioning and supporting that environment. Metaswitch strongly encourages Customer to deploy in line with Metaswitch's requirements and best practice advice in the Product documentation for the chosen virtualization environment, available on Metaswitch Communities at <https://communities.metaswitch.com/community/support/manuals>.

2.2.13 Where the customer has deployed a virtualization environment which deviates from Metaswitch published requirements and best practices, then the Customer or the supplier of the environment must take the lead in diagnosing and resolving problems which are related to that deviation. Metaswitch will only fix such virtualization issues where the Product has been shown by the Customer or the supplier of the virtualization environment to deviate from the Product Specification.

2.3 Operation and Support of Services

2.3.1 Customer is responsible for the operation and monitoring of any services to its own customers, subscribers or end users that make use of the Product as deployed in the Customer Network.

2.3.2 Customer is responsible for providing a maintenance and support service to its own customers, subscribers or end users who are making use of any services provided by the Product as deployed in the Customer Network. In particular, Customer is the primary interface to its own customers, subscribers or end users.

2.3.3 Customer shall employ or having access to trained personnel with a working knowledge of the deployment, configuration, operation and support of the Product and a working familiarity with Product documentation, including the ability to maintain and support standard configuration of the Product and standard configuration of individual customers, subscribers or end users. Customer may purchase Metaswitch training services to educate suitable personnel about the Product.

2.3.4 Customer shall make reasonable attempts to answer questions, provide assistance, troubleshoot problems and provide solutions relating to the Product, whether raised by its customers, subscribers or end users or otherwise, before contacting Metaswitch for expert engineering assistance.

2.3.5 Where after reasonable investigation Customer is unable to address a support request or identify the source or resolution of a problem then Customer will escalate the problem to Metaswitch in a manner appropriate to the perceived severity of the support request and the methods of contact provided by Metaswitch.

2.3.6 Customer will educate Customer personnel in the criteria for problems which can be raised with the Metaswitch 24x7 Support service and notwithstanding any associated penalties noted in this SLA will take reasonable actions to avoid all such use of 24x7 Support for problems for which it is not intended.

2.3.7 Customer shall render all reasonable assistance to Metaswitch efforts to resolve problems, including such actions as gathering diagnostics, running tests and any other actions requested by Metaswitch.

2.3.8 Customer acknowledges that the information on Metaswitch Communities is Metaswitch Confidential Information.

(3) PROBLEM RESOLUTION

3.1 Support Request Categorization

3.1.1 For the purposes of this SLA, each support request is characterized as one of the following Severity levels.

- Critical: Problem with a live system which has or threatens a critical impact on Customer's business operations, and for which Customer is requesting urgent round the clock assistance.
- Major: Problem with a live, lab or trial system which has a significant impact on Customer's business operations, and for which the Customer is requesting prompt business hours assistance.
- Minor: Problem or support request which has some impact on Customer's business operations, where Customer is requesting assistance.
- Informational: Support request where there is no immediate impact on Customer's business operations, for example, where Customer is asking questions or requesting information.

- 3.1.2 Metaswitch and Customer will reasonably agree the Severity level of each support request. That level may change as the support request progresses to resolution.
- 3.1.3 Service issues that occur as part of planned maintenance, and which can be resolved by backing out the maintenance, are not considered to be Critical.
- 3.1.4 The elapsed time targets for acknowledgement, resolution and closure of support requests are defined in subsequent sections of this SLA. These targets are summarised in the following table.

Severity Level	Metaswitch Acknowledgement	Resolution of Impact (e.g. Workaround)	Closure of Ticket (e.g., Fix Release)
Critical	30 elapsed minutes	4 elapsed hours	Fix in next maintenance release
Major	1 business hour	1 business day	Fix in next maintenance release
Minor	1 business day	Fix considered for next maintenance release	Fix considered for next maintenance release
Informational	1 business day	None required	Answered within 2 business weeks

The timing of the next maintenance release can be found in the Maintenance Release Schedule.

- 3.1.5 Where a support request requires Metaswitch to obtain support from a third party then the targets for resolution and closure will depend on the third party's performance along with a necessary overhead for Metaswitch communication and interaction with the third party where required. Metaswitch shall use reasonable efforts to ensure that the third party meets the response targets in the best generally available SLA published by the third party.
- 3.1.6 Some problems may occur only infrequently. In the event that MetaSwitch does not have sufficient information to reproduce or diagnose such a problem, MetaSwitch and Customer shall mutually agree a plan to capture sufficient diagnostics upon the next occurrence of the issue to progress the resolution of the problem.

3.2 Critical Problem Resolution

- 3.2.1 Customer will raise all Critical support requests by telephone to the Primary Contact, Service Desk or Emergency Support service, identifying clearly that immediate round-the-clock support is required, and providing name, business name, a brief description of the problem, and contact details for use during resolution of the problem.
- 3.2.2 Metaswitch will either pass the caller immediately to a Metaswitch support engineer, or a Metaswitch support engineer will use reasonable efforts to call back in response within **thirty (30) minutes**. In either case, the Metaswitch support engineer will commence working with Customer to understand and resolve the situation.
- 3.2.3 Metaswitch and Customer will commit necessary resources around the clock to resolve each Critical support request.
- 3.2.4 Metaswitch shall use reasonable efforts to provide a solution, mitigation, workaround or patch to resolve the immediate situation within **four (4) hours** of the problem being raised. This target is dependent on Metaswitch having Support VPN access to the Product as deployed in Customer Network and to Customer deploying redundant hardware wherever supported by the Product. If either of those are not the case, Metaswitch shall use reasonable efforts but with no target time for solution.
- 3.2.5 After the immediate situation has been resolved, Metaswitch will work with the customer to plan when and whether to schedule any fix associated with the ticket as part of a subsequent release of Licensed Software. Metaswitch shall use reasonable efforts to provide any fix in the next maintenance release as shown in the Maintenance Release Schedule.

3.3 Major Problem Resolution

- 3.3.1 Customer will raise Major support requests by telephone to the Primary Contact or Service Desk, identifying clearly that immediate business hours support is required.

- 3.3.2 Metaswitch support will use reasonable efforts to call back to the Customer within **one (1) business hour** for the Service Desk, and will then commence working with Customer on resolving the situation.
- 3.3.3 Metaswitch and Customer will commit necessary resources during working hours to resolve the situation.
- 3.3.4 Metaswitch shall use reasonable efforts to provide a solution, mitigation, workaround or patch to resolve the immediate situation within **one (1) business day** for the Service Desk of the problem being raised. This target is dependent on Metaswitch having Support VPN access to the Product as deployed in Customer Network and to Customer deploying redundant hardware wherever supported by the Product. If either of those are not the case, Metaswitch shall use reasonable efforts but with no target time for solution.
- 3.3.5 After the immediate situation has been resolved, Metaswitch will work with the customer to plan when and whether to schedule any associated fix as part of a subsequent release of Licensed Software. Metaswitch shall use reasonable efforts to provide any fix in the next maintenance release as shown in the Maintenance Release Schedule.

3.4 Minor Problem Resolution

- 3.4.1 Customer will raise Minor support requests by telephone or email to the Primary Contact, Service Desk or by using the Ticket System.
- 3.4.2 Metaswitch support will use reasonable efforts to call back to the Customer or acknowledge the ticket in the Ticket System within **one (1) business day** for the Service Desk, and commence working with Customer on resolving the situation.
- 3.4.3 Metaswitch will work with the customer to plan when and whether to schedule any workaround or fix associated with the ticket as part of a subsequent release of Licensed Software. If available, Metaswitch shall consider the fix for inclusion in the next maintenance release as shown in the Maintenance Release Schedule.

3.5 Informational Request Resolution

- 3.5.1 Customer will raise Informational support requests by telephone or email to the Primary Contact, Service Desk or by using the Ticket System.
- 3.5.2 Metaswitch support will use reasonable effortst to call back to the Customer or acknowledge the email within **one (1) business day** for the Service Desk, and commence working with Customer on responding to the Support request.
- 3.5.3 Metaswitch support will use reasonable efforts to respond to the Informational support request within **two (2) business weeks** for the Service Desk.

(4) SOFTWARE RELEASES

4.1 Major and Minor Releases

- 4.1.1 Metaswitch shall make available from time to time Major and Minor Releases of Licensed Software that include additional functional extensions and enhancements to the purchased Licensed Software packages defined in the Agreement.
- 4.1.2 These releases shall not include features or software components listed in the Agreement which are designated as not included in the Licensed Software.
- 4.1.3 These releases shall not include new features which provide significant new and different functional capabilities or significant performance enhancements over and above those provided in the Licensed Software, or which represent a significant revision in or a complete re-writing or re-programming of the Licensed Software ("New Software"). Any such New Software shall have a different part number and description supplied by Metaswitch that will describe the New Software's performance enhancements or new functional capabilities

4.1.4 These will be delivered to Customer on request at no additional charge. Customer is under no obligation to install such releases to receive support, unless the release Customer is using has past its “Last date of support” (4.2.8). However, Customer acknowledges that installing such a release may be required in order to fix a technical problem that Customer has raised.

4.1.5 Customer accepts that Major or Minor Releases may require co-requisite or prior upgrades to the firmware or software loads of equipment provided to Customer by other vendors.

4.2 Maintenance Releases

4.2.1 Metaswitch will make Maintenance Releases available at regular intervals for the most recent Major or Minor Releases. See the Maintenance Release Schedule for details of the planned releases.

4.2.2 Each Maintenance Release will include fixes for one or more Defects for a particular version of the Licensed Software packages defined in the Agreement, and may also include minor additional function.

4.2.3 Maintenance Releases will be delivered to Customer on request at no additional charge. Customer is under no obligation to install such releases to receive support. However, Customer acknowledges that installing such a Maintenance Release may be required in order to fix a technical problem that Customer has raised.

4.2.4 Customer will inform Metaswitch of the priority and impact of each defect associated with an open Support Ticket.

4.2.5 Each fix will be categorized as Critical, Major, Moderate, Minor or Cosmetic based on the impact and importance of defect or defects which the fix is resolving.

4.2.6 Metaswitch will make reasonable efforts to include all appropriate Critical, Major and Moderate fixes in each Maintenance Release, along with all fixes that have been mutually agreed with Customer.

4.2.7 Metaswitch will offer support for each Major or Minor Release for a minimum of three (3) years from the date of the last Maintenance Release in the Maintenance Release Schedule.

4.2.8 For each Major or Minor Release, Metaswitch shall publish a “Last date of support” on Metaswitch Communities.

4.2.9 The intervals between Maintenance Releases for each supported Major or Minor Release shall increase over time as there are fewer defects identified for the Major or Minor release and as Customers increasingly migrate to newer releases.

4.2.10 If a Customer requires a fix to a release at a point when Maintenance Releases for the release have become infrequent then Metaswitch shall choose either to provide the Customer with an individual fix for the release or will work with the Customer to agree a plan for upgrading existing systems to a more recent release for which a fix can be provided or is not needed.

(5) HARDWARE REPLACEMENT

5.1 Hardware Replacement Under Warranty or Extended Hardware Warranty

5.1.1 In the event of a failure of an item of Purchased Hardware during the Warranty Period for the failed item or under Extended Hardware Warranty, Customer will notify Metaswitch, providing a detailed description of the failure, and requesting a Return Merchandise Authorization (RMA) number prior to returning the item for repair.

5.1.2 Metaswitch will promptly ship Customer a replacement at no charge for the failed item by Federal Express or a similar courier using next business day delivery, if available. If next business day delivery is not available, Metaswitch will use whatever courier services are available to ensure prompt delivery. For avoidance of doubt, a delay caused solely by the acts or omissions of the courier shall constitute a Force Majeure Event.

5.1.3 Metaswitch will issue an RMA number to Customer. Customer will promptly ship the failed item to Metaswitch with a clear identification of the RMA number. Metaswitch will assume the cost of shipping.

- 5.1.4 Customer shall return the failed item in its original packaging or a suitable alternative that guarantees the safety of the equipment. Should Metaswitch need to provide additional packaging material due to loss of the original packaging or failure of the Customer to provide original packaging within thirty (30) days, Metaswitch shall charge Customer for this replacement packaging.
- 5.1.5 If Customer requires a quicker hardware service, then Metaswitch recommends that Customer purchases spares to hold on-site. The cost of purchasing any such spares is set out in the Agreement.
- 5.1.6 In addition, for Customers in the USA and Canada, Metaswitch offers the Expedited RMA service. This provides same day shipment of replacement hardware, subject to availability of the requested item. The cost of the Expedited RMA service is set out in the article <https://communities.metaswitch.com/docs/DOC-82142>.
- 5.1.7 This service does not apply to Defects or other problems caused by: improper or inadequate maintenance, use of Purchased Hardware outside its environmental specifications, misuse or abuse of Purchased Hardware including defacing the Purchased Hardware or causing cosmetic damage such that the Purchased Hardware is no longer fit for resale by Metaswitch to another customer, unauthorized modification or repair of Purchased Hardware or installation of unsupported components.

5.2 Hardware Replacement Outside Warranty or Extended Hardware Warranty

- 5.2.1 Metaswitch shall provide a chargeable Return and Replace service for defective Purchase Hardware that is outside Warranty and has not reached End of Hardware Replacement as follows.
- 5.2.2 Hardware which is outside Warranty is eligible for this service except for those which have problems caused by: improper or inadequate maintenance, use of hardware outside its environmental specifications, misuse or abuse of hardware, unauthorized modification or repair of hardware or installation of unsupported components or failure to make all efforts to package the equipment to reasonably avoid damage in transit.
- 5.2.3 Customer wishing to purchase this service shall submit an enquiry via Metaswitch Communities supplying the part number and serial number. If this service is valid for the specific equipment, Metaswitch will inform Customer of the price, which shall be valid for thirty (30) days. Should the Customer wish to proceed, they must agree to terms on the Metaswitch Communities and issue a PO referencing the ticket number returned by the Metaswitch Communities. Issuing any PO for this service implies the customer's assent to these Terms and Conditions defined for this service.
- 5.2.4 Customer is responsible for shipping the faulty hardware to the designated Metaswitch facility and will assume the shipping costs. The faulty hardware must be clearly identified with the ticket number associated with this replacement.
- 5.2.5 Customer shall return the failed item in its original packaging or a suitable alternative that guarantees the safety of the equipment. Should Metaswitch need to provide additional packaging material due to loss of the original packaging, Metaswitch shall charge Customer for this replacement packaging.
- 5.2.6 Metaswitch shall return the original hardware, or, at Metaswitch Networks's discretion, replacement hardware within six (6) weeks, although typically it will be completed in three (3) weeks.
- 5.2.7 Metaswitch Networks will provide a three (3) month warranty for the replacement hardware.
- 5.2.8 The maintenance fees for replaced hardware will be in accordance with the purchase of their original hardware.
- 5.2.9 If the returned hardware is ineligible for replacement due to the criteria defined above, Metaswitch shall not repair or replace the hardware and shall return 80% of the service fee. Should Customer wish to have their original hardware returned, this shall be at Customer's expense.
- 5.2.10 Metaswitch assumes the cost of shipping the repaired hardware back to the Customer for all hardware eligible for this service.

- 5.2.11 Customer shall have thirty (30) days after receipt of shipment to reject the returned hardware otherwise the returned hardware shall be deemed to be accepted.

5.3 Disaster Recovery

- 5.3.1 Customer may suffer a catastrophic disaster due to Unforeseen Events as defined in the Agreement, or due to a failure in Customer's network, but not caused by a failure in the Purchased Hardware or Licensed Software. Should such a catastrophic disaster cause the Purchased Hardware to be completely unusable, Metaswitch will work closely with Customer to implement any necessary disaster recovery of Purchased Hardware supplied under a Metaswitch part number.
- 5.3.2 Metaswitch shall make all reasonable efforts to provide Customer with replacement hardware within five (5) business days. The replacement hardware may not be exactly equivalent to the Purchased Hardware and it may be impossible to provide a solution giving Customer the total capacity available prior to the disaster.
- 5.3.3 Customer shall return the replacement hardware within one hundred and twenty (120) working days unless arrangements have been made to purchase the equipment.

5.4 Hardware End of Life

- 5.4.1 Metaswitch will offer the option of Extended Hardware Warranty for a particular item of Purchased Hardware for a minimum of five (5) years from purchase.
- 5.4.2 For each hardware component, Metaswitch shall eventually follow a managed end of life process whereby Metaswitch announce "End of Hardware Replacement" date for the relevant item with at least (18) months notice after which Extended Hardware Warranty will no longer be available as an option.. This date will be published on Metaswitch Communities and notified to all affected customers.

(6) ON-SITE VISITS

6.1 Planning of On-Site Visits

- 6.1.1 Where Metaswitch and Customer agree that an on-site visit by Metaswitch personnel is necessary for maintenance and support or for professional services then Metaswitch and Customer will work together to plan and prepare for the visit.
- 6.1.2 Metaswitch shall provide Customer with the name and contact details of the Metaswitch personnel who will be coming on-site, along with the name and contact details of a Metaswitch management contact in the event of any issues.
- 6.1.3 Customer will provide Metaswitch the name and contact details of Customer's primary representative during the visit, along with the name and contact details of a Customer management contact in the event of any issues.
- 6.1.4 A least five (5) full working days ahead of the proposed visit, Customer and Metaswitch with agree the locations, dates and times for the visit, as well as the location of the meeting point at the start of each day, and the name and contact details of the Customer representative who will be at the meeting point.
- 6.1.5 An additional fee may be charged for short-notice expedited visits or short-notice cancellations.
- 6.1.6 Metaswitch shall charge reasonable travel, accommodation and living expenses to Customer for costs incurred as a result of the on-site visit.

6.2 Handling of On-Site Visits

- 6.2.1 During the on-site visit Metaswitch and Customer shall each arrive at the agreed meeting point in a timely fashion or inform the other party by phone of any delay as soon as possible.
- 6.2.2 Customer shall be present throughout the on-site visit unless explicitly agreed otherwise.
- 6.2.3 Customer shall provide access to the site and space for Metaswitch personnel and their equipment.

- 6.2.4 Customer shall make all reasonable efforts to provide Metaswitch personnel with a safe working environment as defined by any locally-applicable governmental or industry-standard health and safety regulations.
- 6.2.5 Metaswitch personnel shall work reasonable hours during on-site visits, not normally exceeding eight (8) working hours each day.

ORDINANCE NO. 117-17-ORD

Amend Zoning Ord & Map: 1500 Block Spring Drive, R-3, GC to C-3, GC - 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 R-3, GC District (Low-Density Residential, Gateway Corridor Overlay District) to a C-3, GC District (General Commercial, Gateway Corridor Overlay District), the parcel of land hereinafter described:

Lots One through Twenty (1-20) and Twenty-five through Forty (25-40), Spring Hill Heights Subdivision, according to and as shown on map or plat of said subdivision of record in Town Plat Book 3 at Page 12, in the Office of the Judge of Probate of Lee County, Alabama;

ALSO,

Commence at a 5/8” solid iron pin at the northeast corner of the intersection of Spring Drive and Blanton Avenue in the City of Opelika, Lee County, Alabama and the POINT OF BEGINNING of the property herein to be described; from said POINT OF BEGINNING, thence run N 71°57’16” E 501.31’ along the northerly margin of Blanton Avenue, to an iron pin at the northwest corner of the intersection of Lowndes Street and Blanton Avenue; thence leaving said margin, run S 03°40’48” E 19.93’ to

an iron pin; thence run S 71°53'17" W 100.03' to an iron pin; thence run S 03°40'48"E 19.81' to an iron pin on the southerly margin of Blanton Avenue; thence run S 71°57'16"W 300.04' along said margin, to an iron pin; thence leaving said margin, run N 03°40'48: W 19.81' to an iron pin; thence run S 72°00'07" W 100.58' to an iron pin; thence run N 05°32'35" W 19.81' to an iron pin and the original POINT OF BEGINNING.

The above-described property is located in Section 15, T-19-N, R-26-E, in the City of Opelika, Lee County, Alabama; contains 0.355 acres, more or less and is a portion of the vacated right-of-way of Blanton Avenue lying between Spring Drive and Lowndes Street.

The above-described parcels of land contain 3.8 acres, more or less, and are located in the 1500 block of Spring Drive. The subject properties are bounded on the west by Spring Drive, on the north by Dale Avenue and on the east by Lowndes 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 _____, 2017.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 116-17-ORD

Amend City Code, Section 17-3, Establishing Time & Place of Holding Municipal Court - 2nd Reading.

CITY ORDINANCE NO. _____

An Ordinance Amending Section 17-3 of the
Code of Ordinances of the City of Opelika; Establishing
Time and Place of Holding Municipal Court

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

Section 1. **Amendment.** That Section 17-3 of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended to read as follows:

Section 17-3. Time and place of holding court.

The municipal court shall hold court at the Police Department, 501 South 10th Street, in the municipal courtroom provided therefor, unless otherwise ordered by the presiding municipal judge, each Wednesday, beginning at 9:00 a.m., except when such day is a legal holiday, in which event court shall not be held on such day. Court may be held at such other times and from time to time as shall be directed by the presiding municipal judge.

Section 2. **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.

Section 3. **Effective Date.** This ordinance and the section adopted shall become effective and enforced on October 1, 2017.

ADOPTED AND APPROVED this the ____ day of _____, 2017.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 118-17-ORD

Public Improvement Ordinance / Sutton Way SD - 2nd Reading.**PUBLIC IMPROVEMENT ORDINANCE NO. _____**

**AN ORDINANCE PROVIDING FOR THE CONSTRUCTION
OF CERTAIN SANITARY SEWERS AND APPURTENANCES
THERE TO WITHIN THE RIGHT-OF-WAY OF SUTTON WAY**

BE IT ORDAINED by the City Council (the "Council") of the City of Opelika, Alabama, a municipal corporation (the "City") as follows:

Section 1. That sanitary sewers shall be constructed within the right-of-way of Sutton Way in the City of Opelika, Alabama, with the materials and in the manner hereinafter specified for the purpose of draining, serving or benefitting the area as more fully described. The sanitary sewer main and improvements will be constructed to serve fourteen (14) residential lots within its service area. The said sewers shall be constructed in accordance with full details, drawings, specifications and surveys prepared by Barrett-Simpson, Inc., on file in the office of the City Engineer, 700 Fox Trail, Opelika, Alabama.

Section 2. That said sanitary sewer main of PVC pipe eight inches in diameter and appurtenances shall be constructed between the terminal points and in the area hereinafter designated, the centerline of the sanitary sewer main to be constructed being described as follows:

Beginning at a point which is 1.55 feet north of and 10.88 feet west of the intersection of the prolongation of the centerline of Sutton Way and the easterly right of way of Cunningham Drive, said point being Station 0+00, the center of Existing Manhole 1; thence N89°28'00"W, 223.61 feet to a point which is 4.82 feet northeasterly of the centerline of the aforementioned Sutton Way and is Station 2+23.61, the center of Proposed Manhole 2; thence N81°20'02"W, 163.19 feet to a point which is 4.80 feet northeasterly of the centerline of Sutton Way and is Station 3+86.80, the center of Proposed Manhole 3; thence N89°58'47"W, 279.29 feet to a point which is 5.37 feet north of the centerline of Sutton Way and is Station 6+66.09, the center of Proposed Manhole 4 and the end of the sewer main.

The sanitary sewer main to be constructed shall commence at an existing manhole located in the intersection of the right-of-way of Cunningham Drive and Sutton Way and shall run in a generally westerly direction along the right-of-way of Sutton Way for approximately 667.00 feet to the existing cul-de-sac at the end of Sutton Way.

Section 3 That said sanitary sewers hereinabove described shall be constructed with the necessary manholes, connections, and appurtenances, in accordance with full details, drawings, specifications, surveys, and estimates, prepared by Barrett-Simpson, Inc., on file in the office of the City Engineer, 700 Fox Trail, Opelika, Alabama, where property owners who may be affected by said public improvements may see and examine the same. Said sewers and appurtenances shall be constructed of the materials hereinafter specified. The sewer improvements provided for in this ordinance shall generally consist of the following, to-wit:

- (a) Construction or installation of a gravity sanitary sewer of PVC Pipe, SDR 26, eight (8) inches in diameter, for a distance of 667 feet.
- (b) Construction or installation of lateral sanitary sewer service lines of PVC pipe, SDR 26, four (4) inches in diameter, for a total distance of 502 feet, extended to the Right of Way of the respective streets mentioned above.
- (c) Construction or installation of all incidentals, appurtenances, and manholes as describe above.

Section 4 That said sanitary sewers and appurtenances mentioned above and described in sections 2 and 3 of this Ordinance shall be constructed for the purpose of draining, serving or benefitting the area or territory in the City of Opelika, Alabama described as follows; to wit: the following designated lots or parcels of land according to and as shown by recorded plats of record in the Office of the Judge of Probate of Lee County, Alabama, to-wit:

- (a) Lot 1 of Sutton Way Phase One, as recorded in Plat Book 9, at Page 149 in the Office of the Judge of Probate of Lee County, Alabama.
- (b) Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Sutton Way Phase Two, as recorded in Plat Book 20, at Page 14 in the Office of the Judge of Probate of Lee County, Alabama.

(c) Lots 13 and 14, Sutton Way Phase Three, as recorded in Plat Book 20, at Page 76 in the Office of the Judge of Probate of Lee County, Alabama.

The street addresses of the abovementioned lots or parcels of land to be drained, served or benefitted by said sanitary sewer main are as follows:

2502 Cunningham Drive, 2801 Sutton Way, 2802 Sutton Way, 2803 Sutton Way, 2804 Sutton Way, 2805 Sutton Way, 2806 Sutton Way, 2807 Sutton Way, 2808 Sutton Way, 2809 Sutton Way, 2810 Sutton Way, 2811 Sutton Way, 2812 Sutton Way and 2813 Sutton Way.

That said sanitary sewers and appurtenances mentioned above and described herein shall be constructed in the City of Opelika between the terminal points described in section 2 above and for the purpose of draining, serving or benefitting the areas herein above designated and described.

Section 5. That the cost of the construction of the public improvements authorized by this Ordinance shall, after completion and acceptance thereof, be assessed in fair proportion against all of the lots or tracts of land lying within the district or territory drained, served or benefitted by the aforesaid sanitary sewers; provided, however, that the assessment shall not exceed the total cost of said improvement, and the amount so assessed shall not exceed the increased value of such property by reason of the special benefits derived from said improvement, and no charge assessed upon or against any lot or parcel of land drained, served or benefitted by said sanitary sewers shall be greater than the increased value of such property by reason of the special benefits derived from said improvement.

Section 6. That the City Council of the City of Opelika shall meet in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama at 7:00 p.m. on the 5th day of September, 2017 to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of the material or materials to be used.

Section 7. That this Ordinance shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation published in the City of Opelika, and a copy of said Ordinance shall be sent by registered or certified mail, postage prepaid, to the persons last assessing for City taxation the property which may be assessed for the cost of said

public improvements, at their last known address, notices to be mailed not less than ten (10) days before the date of the meeting provided for in Section 6 of this Ordinance.

ADOPTED AND APPROVED this the ____ day of _____, 2017.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

CITY CLERK

ACTION BY MAYOR

APPROVED this the _____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 119-17-ORD

City investment options, CDARS program - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SUBSECTION 2-3(b) OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA; CDARS
PROGRAM ADDED AS AN INVESTMENT TYPE**

WHEREAS, in 2009, the Alabama Legislature amended state law to permit the investment of public funds through the Certificate of Deposit Account Registry Service (“CDARS”); and

WHEREAS, CDARS consists of a network of banks around the country; and

WHEREAS, through a local CDARS member bank, the City of Opelika, Alabama (the “City”) can purchase certificates of deposit from other banks around the country; and

WHEREAS, Federal Deposit Insurance Corporation (“FDIC”) insurance is limited to \$250,000 in deposits per owner at a single insured bank; and

WHEREAS, through the CDARS Program, small and medium banks can offer their customers insurance on deposits greater than \$250,000-the usual maximum to be insured-because the excess is placed with other banks; and

WHEREAS, large deposits over \$250,000 are broken into smaller amounts and placed with other banks that are members of the CDARS network; and

WHEREAS, member banks can issued CDs in amounts under \$250,000 so that the entire investment is eligible for FDIC insurance; and

WHEREAS, City staff has recommended that the City participate in the CDARS Program.

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

Section 1. **Amendment.** That Subsection 2-3(b) of the *Code of Ordinances* of the City of Opelika is hereby amended to read as follows:

(b) Investments. Any municipal funds not presently needed for other purposes may be invested in any of the following:

- (1) U.S. dollar-denominated deposit account and certificates of deposit with banks or savings institutions organized under the laws of the United States or State of Alabama in amounts which are fully insured to the holder by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation (insured deposits), and in amounts in excess of the insured deposits; provided, that all amounts in excess of the insured deposit shall be secured at all times by a perfected lien or security interest in pledged collateral in accordance with the provisions of paragraph (c) hereof. All municipal funds shall be deposited in financial institutions located within the State of Alabama.
- (2) United States Treasury Notes.
- (3) U.S. Treasury Bonds.
- (4) Certificates of Account Registry Service (CDARS) placed with a local CDARS member. CDARS are fully insured as to principle and interest that may be accrued by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Association (NCUA).

Section 2. **Investment Authority.** That the City Council hereby delegates to the City Clerk/Treasurer the discretionary authority to deposit, invest or re-invest surplus funds of the City. Without limiting his discretion in any way, the City Clerk/Treasurer is hereby expressly authorized to invest City funds in the CDARS Program.

Section 3. **Signatory Authority.** That the Mayor and the City Clerk are hereby authorized to sign, execute and initial all contracts and other documents on behalf of the City required for participation in the CDARS Program.

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.

Section 5. **Effective Date.** This ordinance and the section adopted shall become effective and enforced immediately upon its passage and publication as required by law.

ADOPTED AND APPROVED this the ____ day of _____, 2017.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK