



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
300 Martin Luther King Blvd.
August 3, 2021
TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:00 pm and asked Mr. Jones to call the roll.

2. Roll Call

The Mayor was absent but all City Council members were present.

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

3. Invocation

Reverend Jones provided the invocation.

1. Clifford Jones from Greater Peace Missionary Baptist Church.

4. Pledge of Allegiance

Mr. Jones led the Pledge of Allegiance.

1. Russell Jones - City Clerk.

5. Reading of Minutes

1. Minutes from the 07-20-21 council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

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

8. Citizen Communications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Committee Reports
11. General Business

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

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

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

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

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

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

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

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

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

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

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

12. Awarding of Bids
13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Resolution 186-21 CDBG PY2021 Action Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

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

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

2. Ordinance Authorize the Exchange of Real Property to CJCF, LLC - 2nd Reading. President Smith asked for a member of the council to introduce the ordinance. Mr. Rauch introduced the ordinance.

RESULT: **FIRST READING INTRODUCED**

15. Appointments

16. Adjourn

The City Council meeting minutes of August 3, 2021 are hereby adopted and approved this the 17th day of August, 2021.

/s/ Eddie Smith

President of City Council

City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

Russell A. Jones

City Clerk

1. Character Trait of the Month - Optimism, hopefulness and confidence about the future or the successful outcome of something.

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

2. Motion to Adjourn.

The council meeting ended at 8:58 pm.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 4803)

Meeting: 08/03/21 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Russell Jones
Initiator: Russell Jones
Sponsors:
DOC ID: 4803

Minutes from the 07-20-21 council meeting.

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



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
 300 Martin Luther King Blvd.
July 20, 2021
TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:00 pm and asked Mr. Jones to call the roll.

2. Roll Call

The Mayor and all City Council members were present.

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

3. Invocation

Mr. Barnes provided the invocation.

1. Hamlet Barnes from Mustard Seed Faith Center.

4. Pledge of Allegiance

Mr. Jones led the Pledge of Allegiance.

1. Russell Jones - City Clerk.

5. Reading of Minutes

1. Minutes from the 07-06-21 council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller congratulated President Smith on his recognition and award he was presented at the Annual Opelika Chamber of Commerce Meeting.

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

Mayor Fuller asked if the council had any questions about the city's financial summary report to ask Cindy Boyd, Mr. Motley, or himself about it.

2. June 2021 Monthly Building Report.

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

3. Recognize Laura Knox and Margaret Anne Gunter as National Merit Scholarship Recipients.

Mayor Fuller asked Laura Knox and Margaret Anne Gunter to come up front. Mayor Fuller then recognized and congratulated each for their achievement of being awarded National Merit Scholarships and listed each of their accolades.

8. Citizen Communications

Suzanne and Bill Montgomery of 601 S 7th Street spoke first. Mrs. Montgomery began by thanking everyone but in particular Mayor Fuller for the job that has been done in the Police

Department. Mrs. Montgomery explained their truck was stolen out of their driveway, and they were at lunch, behind where they live with some friends, when police officers showed up looking for them. Mrs. Montgomery continued by stating the police officers notified them their truck, which included her keys and pocketbook, had been stolen and was located over at the Southern Union parking lot. Mrs. Montgomery then stated they rode over to the Southern Union parking lot with the officers, and explained how Detective Griffin, the lead detective on the case, and other officers went above and beyond in helping them locate her keys, wallet, pocketbook, and credit cards. Mrs. Montgomery also stated how they recovered everything, and how there are really good people in Opelika that helped by turning in her keys, and also her credit cards were turned into the bank as well. Mrs. Montgomery then stated how she is very proud to live in Opelika with good people who do the right thing, and how all around the country police get a bad rap, but how fortunate we are here to have the kind of leadership and police that go above and beyond when something like this happens. Mrs. Montgomery closed by also thanking Mayor Fuller for the outstanding job that the mowers have done with the compassionate friends garden for several years now. Bill Montgomery then stated they have "busted the Mayor's chops" enough, that they wanted to pass along how well they are doing too. Mayor Fuller stated he would pass their words along to Chief Healy and Mike Hilyer.

Jimmy Hurst of 1108 Blackhawk Drive spoke next. Mr. Hurst stated he has been in the rental property business for thirty-five years as a secondary business, as he has a day job too. Mr. Hurst also stated he is the rental agent and the maintenance person for his properties over those thirty-five years. Mr. Hurst then stated the proposed ordinance by the city would hurt the people that the city is trying to help, and the ordinance is also an open check book with the checklist the city has proposed stating nine times on the first page it talks about "good repair". Mr. Hurst then stated he does not know what "good repair" means and it could mean something different to everyone which makes this an open check book. Mr. Hurst also stated this would increase their operating costs and then asked "What happens when operating costs are increased? It's passed on, right? It's going to be passed on to the tenants." Mr. Hurst then stated there is already an ordinance on the books that talks about property maintenance, and the city should just enforce it instead. Mr. Hurst then asked the following series of questions: "Is this ordinance going to also affect short-term rentals, Airbnb, Vrbo? Has the city already spent \$120,000 on software to implement this program? Does that really make sense if it hasn't passed yet, or is it sorta like having an election and you know what the votes are in the box?" Mr. Hurst then stated at the March 2 meeting it was stated that the citizens would have some input into this, and it would be posted, but he never saw any of that. Mr. Hurst also stated he has 3 families that pay rent between \$195-\$350 a month, and one of those tenants has been renting from him for thirty-five years and another that has been renting from him for twenty-five years and is a second generation of renters. Mr. Hurst stated he even has a third generation of renters where their grandmother, mother, and now the three boys all have rented from him. Mr. Hurst then asked what happens if he decides to get out of the rental business, lock the houses up, keep the grass cut, and go on about his business. Mr. Hurst stated his life wouldn't change, but the thirteen families that rent from him would be homeless. Mr. Hurst then stated he is asking the council to

really think about what they are doing here, and as costs go up it will be passed on to the tenants. Mr. Hurst then closed by asking "Is this ordinance a way to run low income people out of Opelika?" and then stated low income people have to have a place to live just like high income people.

Emily Key, with Three Keys Properties, spoke next. Ms. Key stated she would like to discuss two things during her time with the first being about the property located at 204 2nd Avenue and the road's condition going to the property. Ms. Key stated she had given up on speaking with the city about the issue, until last week when city workers came onto the road to locate a manhole and they dug up the entire road trying to locate the manhole. Ms. Key then stated after they found the manhole, and finished what they needed to do, they smoothed the gravel road the best they could, but it is a lot worse than what it was before. Ms. Key stated after complaining for years about the way it was, now it is way worse due to the city's workers. Ms. Key also stated since it has rained over the last few days, after driving on the road, cars will leave mud all the way out on 3rd Street because the car's tires pick up so much of the road, they just scatter it all the way down to the next stop sign, and it will continue to worsen. Ms. Key then stated she desperately needs the city to rectify the situation by either paving the road or not, but she has been told for years it is not a city road, nor maintained by the city, and yet there is a manhole that is maintained by the city which caused the road to be put further in disrepair. Ms. Key stated her second thing she would like to speak about is the rental property ordinance. Ms. Key then thanked Mayor Fuller for including her on the committee, and how they have spent the past few months trying to make the ordinance the best it could be. Ms. Key stated that they went through and created a checklist that she feels landlords can abide by without it being too disastrous, but even after doing all of that she is still not on board with the ordinance actually being put into place. Ms. Key stated that as it sits it is the best that it can be if it gets passed, but she believes it will be a detriment to the citizens of Opelika. Ms. Key then stated she owns a lot of property in low income areas and has spent the past nine years trying to better those people's lives, but she feels this ordinance will single-handedly undo everything she has worked for over that time period. Ms. Key also stated there are two hotels that will be demolished over the next year for a new gas station on Columbus Parkway, and those people call her everyday because they live in those hotel. Ms. Key then stated not only will those people be homeless, but the city is going tell some landlords they do not have the ability to rent their properties. Ms. Key stated if she was living in her car with three children, and a landlord can offer them a home for \$200 a month, "Maybe it doesn't have hot water. That sounds atrocious and I get it. It sounds awful to live in a house with no hot water. But would you rather them be in their car?". Ms. Key closed by stating what the city needs to do is to provide better low income housing so that then people have a choice, and she again was thankful for being part of the committee, but if the ordinance does pass, she will be interested in seeing if the homeless population increases.

Kurt Hayley of 1101 Willow Run spoke next. Mr. Hayley stated he believes they are probably the largest property management company in Opelika and were not asked to be on the task force, had no input in it, and he doesn't understand why everyone keeps quoting that it will be "easy" and that sometimes the easiest things aren't right. Mr. Hayley then stated the biggest

issue he has besides the inspections, is what has been said about the building permits, how much the city is growing, and how he had expressed this concern with the City Manager and the Mayor when he started working in Opelika. Mr. Hayley stated he believes the growth is a good thing, but the growth is ten-fold, and he doesn't believe the inspections department can do what the city is asking them to do in the short-term. Mr. Hayley also stated he believes they will have vacancies, due to waiting on inspections, causing people to stay in hotels and other issues logistically. Mr. Hayley continued by stating he moved out 800 kids today, they move in 20 days from today, and how if this ordinance existed in Auburn how they would do this. Mr. Hayley then stated the city has a method to make sure people take care of their homes, not only on a landlord side, but on a residential owner side, and it's fair to keep both parties under the exact same standard. Mr. Hayley also stated COVID-19 has affected small businesses and their landlords more than ever, even now as there are eviction moratoriums still in place, and landlords have been letting tenants live in their houses without paying rent for over a year. Mr. Hayley stated this is about relationships between owners and tenants, and the city, with this ordinance, will be managing their relationships, and that's not what the city is supposed to do. Mr. Hayley then stated the city is supposed to have safe standards, be fair, trust their neighbors, and trust their local business people. Mr. Hayley stated that he is trustworthy, as their properties will be up kept, they rent to people both below and above market, and to not have some of the major people in town in the task force, "I don't want to say shameful, but I'll say as the Mayor always says 'Shame on you'. One owner back here has over 100 properties, he won't speak today, I manage most of them, it's shameful that he wasn't there." Mr. Hayley again stated he was not invited and he believes the city should provide their citizens a voice, and on August 3 if they take this, he will show up with hundreds of signatures because the citizens are not happy about this. Mr. Hayley then stated he loves Opelika, the Mayor, the Council, and this isn't personal, but they are about to make it extremely personal between a landlord and a tenant and he doesn't feel that's right. Mr. Hayley closed by stating that Section 8 not being regulated on this is an issue, due to pushing people toward Section 8 housing, how far they are behind in inspections due to COVID-19, and this is not the time to be doing this as the city and it's people should be recovering and restoring our people and businesses.

Bill Brown of 615 6th Avenue spoke last. Mr. Brown stated he was, like Ms. Key, on the panel that came up with the checklist, but one thing they need to remember is the checklist is not the law, it's not the ordinance, and the ordinance is the building code that the council has already approved. Mr. Brown then stated they can say the checklist is what they are going to follow, but what can be enforced is the ordinance that's already been approved. Mr. Brown also stated like Ms. Key he is totally opposed to this, they are getting into private business, he doesn't believe government belongs there, and they need to remember a tenant is not forced to be there. Mr. Brown closed by stating the tenants sign a lease, accept the property as it is, and all they are doing is putting more of the burden on those tenants when they pick at the landlords and owners for improvements, including rents going up, and it will not be a good situation.

9. Report of Disbursements
10. Committee Reports

11. General Business

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

1. Public Hearing - Weed Abatement Assessment - 301 S 3rd St.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
2. Public Hearing - Weed Abatement Assessment - 309 S 4th St.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
3. Public Hearing - Weed Abatement Assessment - 411 S 4th St.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
4. Public Hearing - Weed Abatement Assessment - 504 S 4th St.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
5. Public Hearing - Weed Abatement Assessment - 209 N 16th St.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
6. Public Hearing - Weed Abatement Assessment - 3307 Arnold Ave.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
7. Public Hearing - Weed Abatement Assessment - 10 Ave A.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
8. Public Hearing - Weed Abatement Assessment - 120 Chester Ave.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
9. Public Hearing - Weed Abatement Assessment - 814 Donald Ave.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
10. Public Hearing - Weed Abatement Assessment - 2300 Dorsey St.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
11. Public Hearing - Weed Abatement Assessment - 310 Pleasant Dr.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.
12. Public Hearing - Weed Abatement Assessment - 915 York Ave.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said weed abatement. No one came forward to speak. President Smith closed the public hearing.

- 12. Awarding of Bids
- 13. Resolutions

President Smith asked Mr. Gunter to present the resolutions.

1. Resolution 159-21 Expense Reports from Various Departments.
RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Lofton, Council Member
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
2. Resolution 160-21 Designate City Personal Property Surplus and Authorize Disposal.
RESULT: APPROVED [UNANIMOUS]
MOVER: Willie Allen, Council Member
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
3. Resolution 161-21 Request Refund of Occupational License Fees - Chase Christian.
RESULT: APPROVED [UNANIMOUS]
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
4. Resolution 162-21 Request Refund of Occupational License Fees - Korshetta Rudolph.
RESULT: APPROVED [UNANIMOUS]
MOVER: Erica Norris, President Pro-Tem
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
5. Resolution 163-21 Approve Amending the Organizational Chart for Information Technology - HR.
RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Allen, Norris, Lofton, Smith, Rauch
6. Resolution 164-21 Approve Lease Agreement with Petrina Properties, LLC - HR.
RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
7. Resolution 165-21 Designate Bank Depositories and Official Signers on City Bank Accounts.
RESULT: APPROVED [4 TO 0]
MOVER: Robert Lofton, Council Member
SECONDER: Todd Rauch, Council Member
AYES: Willie Allen, Robert Lofton, Eddie Smith, Todd Rauch
ABSTAIN: Erica Norris
8. Resolution 166-21 Weed Abatement Assessment - 301 S 3rd St.

Attachment: CM minutes 07-20-21 (4803 : Minutes from the 07-20-21 council meeting.)

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
9. Resolution 167-21 Weed Abatement Assessment - 309 S 4th St.
RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
10. Resolution 168-21 Weed Abatement Assessment - 411 S 4th St.
RESULT: APPROVED [UNANIMOUS]
MOVER: Erica Norris, President Pro-Tem
SECONDER: Willie Allen, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
11. Resolution 169-21 Weed Abatement Assessment - 504 S 4th St.
RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
12. Resolution 170-21 Weed Abatement Assessment - 209 N 16th St.
RESULT: APPROVED [UNANIMOUS]
MOVER: Willie Allen, Council Member
SECONDER: Erica Norris, President Pro-Tem
AYES: Allen, Norris, Lofton, Smith, Rauch
13. Resolution 171-21 Weed Abatement Assessment - 3307 Arnold Ave.
 President Smith asked if this property had been demolished. Jeff Kappelman, Chief Building Inspector, replied that the building had been demolished a couple of years ago, but the property owners have not kept the grass cut.
RESULT: APPROVED [UNANIMOUS]
MOVER: Todd Rauch, Council Member
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
14. Resolution 172-21 Weed Abatement Assessment - 10 Ave A.
RESULT: APPROVED [UNANIMOUS]
MOVER: Erica Norris, President Pro-Tem
SECONDER: Todd Rauch, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
15. Resolution 173-21 Weed Abatement Assessment - 120 Chester Ave.
RESULT: APPROVED [UNANIMOUS]
MOVER: Erica Norris, President Pro-Tem
SECONDER: Robert Lofton, Council Member
AYES: Allen, Norris, Lofton, Smith, Rauch
16. Resolution 174-21 Weed Abatement Assessment - 814 Donald Ave.

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

17. Resolution 175-21 Weed Abatement Assessment - 2300 Dorsey St.

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

18. Resolution 176-21 Weed Abatement Assessment - 310 Pleasant Dr.

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

19. Resolution 177-21 Weed Abatement Assessment - 915 York Ave.

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

20. Resolution 178-21 Approve Extension of Tax Abatement of Sales and Use Taxes for West Fraser, Inc - ED.

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

21. Resolution 179-21 Purchase - Pickleball Court Covering Including Installation - Sourcewell Contract #091319-CSS - P&R.

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

14. Ordinances

President Smith asked Mr. Gunter to present the ordinances.

1. Ordinance 014-21-ORD Amend Zoning Ordinance and Master Plan, 3.91 Acres, Robert Trent Jones Trail - 2nd Reading.

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

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

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

15. Appointments

President Smith presented the appointments.

1. Appoint Sidney James Nakhjavan to the Lee County Youth Development Center Board. Existing Term expires 10-01-2021.

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

2. Appoint Mike Shannon to the Celebrate Alabama Improvement District Board. Existing Term expires 08-05-2025.

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

3. Reappoint Kelly Davidson to the Celebrate Alabama Improvement District Board. New Term expires 08-05-2027.

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

16. Adjourn

The City Council meeting minutes of July 20, 2021 are hereby adopted and approved this the ____ day of _____, 2021.

 President of City Council
 City of Opelika, Alabama

ATTEST:

 Russell A. Jones

City Clerk

1. Character Trait of the Month - Responsibility, the quality or state of being responsible: such as. a: moral, legal, or mental accountability. b: reliability, trustworthiness.
 President Smith read the character trait of the month and then asked if there was any other business to come before the council. A citizen asked if they could state a concern. President Smith answered this was not the appropriate time for citizen communication but they could speak to him directly after the meeting was over, and then asked for a motion to adjourn.

2. Motion to Adjourn.

The council meeting ended at 7:48 pm.

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

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 4798)**

Meeting: 08/03/21 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4798

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

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



REQUEST TEMPORARY STREET CLOSURE

DATE this request made: 07/20/2021

NAME OF INDIVIDUAL: Brian Hipp

ADDRESS: 301 South 8th Street
Opelika
Alabama ZIP 36801

PHONE # 334-332-6096

EMAIL Address brianh@fbcopelika.com

NAME OF ORGANIZATION: First Baptist Church of Opelika

ADDRESS: 301 South 8th Street
Opelika
Alabama ZIP 36801

PHONE # 334-745-5715

REASON FOR REQUEST: Back to School /Fall kick off for members of FBCO

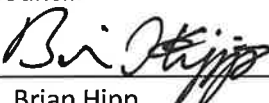
Information needed:

1. Date of event. 08/11/2021
2. Start and end time. 4:00pm to 9:00pm
3. Est. number of participants. 500
4. Map of route or detailed route description with start/end points.
5. Specific location on route of street barricades if needed. We will provide our own barricades
6. If barricades are needed, you must provide volunteers to man all barricades during the entire event. We will
7. If needed, please provide a list of where you will place signs in the city's right-of-way. This will be approved as part of your overall plan. Signs will need to be put out day of event and taken up immediately following end of event.

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

SIGNED:

NAME (printed):


Brian Hipp

Email completed form & information to:

Russell A. Jones
 City Clerk
rjones@opelika-al.gov
 334-705-5110

Contacts:

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

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



301 S 8th St

Building



Directions



Saved



Nearby



Send to your
phone



Share



Saved in Favorites



Add note

View list



301 S 8th St, Opelika, AL 36801

Photos



At this place

First Baptist Church Opelika

4.8 ★★★★★ (75)

Baptist church

Closed · Opens at 8:00 AM



오펠라이카 제일침례교회 (어번 오펠라이카 지역 한인교회)

5.0 ★★★★★ (12)

Korean church

Open until 5:00 PM



Go Photo Yourself Photo Booth Auburn Opelika Alabama

4.9 ★★★★★ (10)

Party equipment rental service

Open until 10:00 PM



**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 4797)**

Meeting: 08/03/21 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Russell Jones

Initiator: Russell Jones

Sponsors:

DOC ID: 4797

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

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



July 22, 2021

Dear Russell,

Opelika Main Street is requesting on behalf of Richard Patton that the council approve a street closure on September 18 and December 11 for a block party along 1st Avenue.

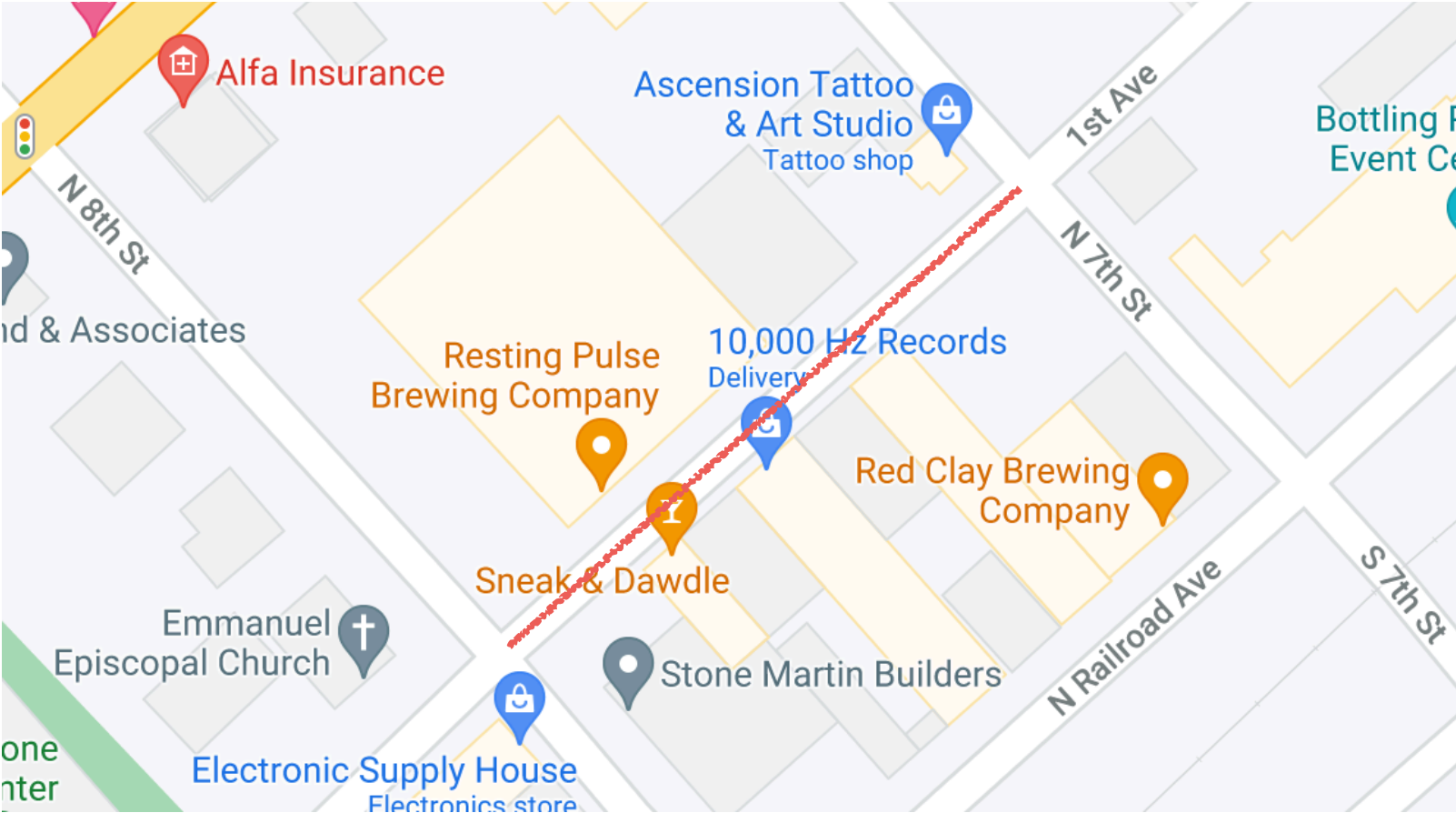
The impacted areas would be:

-1st Ave from N. 8th Street to N. 7th Street

The street closures will be in effect from 5PM-11:30PM.

Thank you for your consideration,

Ken Ward
Executive Director, Opelika Main Street





City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 4687)

Meeting: 08/03/21 07:00 PM
Department: Economic Development
Category: Public Hearing
Prepared By: Kathryn Daugherty
Initiator: Lori Huguley
Sponsors:
DOC ID: 4687

Public Hearing - Project Agreement with Hanwha Cimarron, LLC.

LEGAL NOTICE OF PUBLIC MEETING AND PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF OPELIKA, ALABAMA

NOTICE is hereby given that the City Council (the “Council”) of the City of Opelika, Alabama, (the “City”) will meet in public session at 7:00 p.m. on Tuesday, August 3, 2021, in the Courtroom of the Municipal Court Building, 300 Martin Luther King Blvd in the City of Opelika, Alabama, for the purpose of considering the transaction of business that may properly come before the Council, such business to include, but not be limited to, the authorization by the Council, pursuant to Amendment No. 642 to the Constitution of Alabama of 1901, as amended, of a resolution (the “Resolution”) approving the execution and delivery of a Project Agreement (the “Agreement”) by and among the City, Opelika Industrial Development Authority and Hanwha Cimarron, LLC, a Delaware corporation, (the “Company”) to be dated the date of delivery with respect to a proposed new manufacturing facility to be located in the City (the “Project”).

Pursuant to the Agreement, the Company will agree to establish an automobile parts manufacturing facility in the Opelika Northeast Industrial Park in the corporate limits, requiring an initial capital investment of approximately one hundred thirty million dollars (\$130,000,000.00). The Company estimates that it will employ 265 full-time employees at the Project Site. In consideration for the obligations of the Company under the Agreement, the City will agree, among other things, to provide financial incentives to the Company described more particularly in the Agreement, including cash incentives, performance incentives and tax

abatements. In addition, the City will agree, at no cost to the company, to waive any and all City site plan review fees and building and construction permit fees.

The City seeks to achieve, by undertaking its obligations pursuant to the Agreement and the Resolution, to promote the local economic and industrial development of the City by facilitating the acquisition and construction of the Project for the benefit of the general public and to increase employment in the City and to increase the tax and revenue base of the City.

The business entity to whom or for whose benefit the City proposes to lend its credit or grant of public funds or thing of value is Hanwha Cimarron, LLC.

All interested persons may examine and review the Project Agreement and Resolution at the offices of the City Clerk during normal business hours, before and after the meeting referenced herein.

Further information concerning the information of this Notice can be obtained at the office of the City Clerk during normal business hours.

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

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

DATED this the ____ day of July, 2021.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

The Opelika-Auburn News
P.O. Drawer 2208
Opelika, AL 36803-2208

Please publish the foregoing Notice one (1) time in the July 27, 2021, issue of your paper.

CITY CLERK

COMMENTS - Current Meeting:

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 4793)**

Meeting: 08/03/21 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Darryl A White

Initiator: Lillie Finley

Sponsors:

DOC ID: 4793

Public Hearing - Weed Abatement Assessment - Columbus Pkwy.

COMMENTS - Current Meeting:

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



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

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

WEED ABATEMENT INVOICE

Date: 7-23-2021

To: Fox Run Pkwy Development LLC
C/O Mark Griswell
2416 Emerald Dr.
Jonesboro, GA 30236

Property Address: Columbus Pkwy

Parcel # 43-10-04-17-1-000-003.000

On 5/27/2021, 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 on 7/17/2021. Below is a list of charges incurred as part of the weed abatement.

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

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

Cost of Abatement: **\$276.25**

Certified Mail: **\$13.92**

Regular Mail: _____

Total: **\$290.17**

Attachment: Weed Abatement Invoice Notice (new 6-30-21) (4793 : Public Hearing - Weed Abatement Assessment - Columbus Pkwy.)



To: **Fox Run Pkwy Development**
C/O Mark Griswell
2416 Emerald Dr.
Jonesboro, GA 30236

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 Columbus Pkwy., Parcel 43-10-04-17-1-000-003.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at Columbus Pkwy., 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 \$290.17.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd Opelika, Alabama, on the 3rd day of August, 2021.

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

Dated this the 23th day of July, 2021.

 Darryl White
 Code Compliance Officer

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

**City Council**204 South 7Th Street
Opelika, AL**SCHEDULED****GENERAL BUSINESS (ID # 4795)**

Meeting: 08/03/21 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Darryl A White

Initiator: Lillie Finley

Sponsors:

DOC ID: 4795

Public Hearing - Weed Abatement Assessment - 723 Pleasant Dr.**COMMENTS - Current Meeting:**

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



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

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

WEED ABATEMENT INVOICE

Date: 7-23-2021

To: Zhang Chunmei
2011 St. Patrick Ct.
Auburn, AL 36830

Property Address: 723 Pleasant Dr.

Parcel # 43-09-01-12-4-002-028.000

On 6/23/2021, 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 on 7/17/2021. Below is a list of charges incurred as part of the weed abatement.

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

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

Cost of Abatement: **\$151.00**

Certified Mail: **\$13.92**

Regular Mail: _____

Total: **\$164.92**

Attachment: Weed Abatement Invoice Notice (new 6-30-21) (4795 : Public Hearing - Weed Abatement Assessment - 723 Pleasant Dr.)



To: **Zhang Chunmei**
2011 St. Patrick Ct.
Auburn, AL 36830

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 723 Pleasant Dr., Parcel 43-09-01-12-4-002-028.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 723 Pleasant Dr., Parcel No. 028.000 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 \$164.92.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Municipal Court Building, 300 M L King Blvd Opelika, Alabama, on the 3rd day of August, 2021.

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

Dated this the 23th day of July, 2021.

 Darryl White
 Code Compliance Officer

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

Attachment: Weeds, NPH-Resolution, cost to abate, 723 Pleasant Dr (4795 : Public Hearing - Weed Abatement Assessment - 723 Pleasant Dr.)

RESOLUTION NO. 180-21

Request Refund of Occupational License Fees - Ecological Insulation.

RESOLUTION NO. _____

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

- 1) That Lillie Finley, Purchasing- Revenue Manager, has investigated and confirmed that said refund request is valid and recommends approval.
- 2) That the Purchasing-Revenue Manager is hereby authorized to prepare and process the appropriate documents so a refund check in the amount of \$12,415.27 can be printed payable to Ecological Insulation, P.O. Box 932, Auburn, AL 36831, for Occupational License Fees paid in error from 2019 - First quarter 2021.
- 3) That the City Clerk is hereby authorized to sign, and mail said check to the address as detailed in number 2 above.
- 4) That a copy of the Purchasing-Revenue Manager's recommendation is here to attached as Exhibit "A".

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

C.E. "EDDIE" SMITH, JR.

PRESIDENT OF THE CITY COUNCIL

CITY OF OPELIKA, ALABAMA

ATTEST:

RUSSELL A. JONES
CITY CLERK

RESOLUTION NO. 181-21

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING DONATION AND ACCEPTING PROPOSAL FROM GOVRED TECHNOLOGY, INC. FOR APEX OFFICER TRAINING SIMULATOR

WHEREAS, Alabama municipal corporations are authorized under *Code of Alabama* 1975, §11-40-1 to receive donations of real and personal property for any municipal purpose authorized in Title 11 of the *Code of Alabama*; and

WHEREAS, on or about June 30, 2021, Jerry and Lynn Schwarzauer donated to the City of Opelika, Alabama (the “City”) 82 shares of NVDA Corporation, conditioned upon the City using said gift to purchase an Apex Officer Training Simulator for the Opelika Police Department; and

WHEREAS, on July 2, 2021, the City sold said stock and after payment of commissions received the sum of \$66,923,80; and

WHEREAS, the Apex Officer Training System is capable of simulating an infinite number of different training scenarios that can convey body language and other non-verbal threat cues that are a crucial part of progressive judgmental use of force training; and

WHEREAS, the Apex Officer Training Simulator utilizes virtual reality technology and offers an immense 360-degree view and includes peripheral vision and training tools that closely match those used in the field to enhance the transferability of the training to real life scenarios; and

WHEREAS, the City has received a proposal from GOVRED Technology, Inc., (“GOVRED”) for an Apex Officer Pro-Training Simulator with Apex Officer X2 hardware upgrade; and

WHEREAS, the Police Chief has recommended that the contract for the Apex Officer Pro-Training Simulator be awarded to GOVRED based on its proposal of \$62,500, which

includes a first-in-Alabama discount of \$48,368; and

WHEREAS, the Apex Officer Pro-Training Simulator and Apex Officer X2 hardware are sole source products, manufactured, sold and distributed exclusively by GOVRED; and

WHEREAS, competitive bidding is not required for purchases of commodities for which there is only one vendor or supplier; and

WHEREAS, funds donated by Jerry and Lynn Schwarzauser will be used to purchase the Apex Officer Pro-Training Simulator and Apex Officer X2 hardware.

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

1. That the donation described above from Jerry and Lynn Schwarzauser is accepted and shall be used to purchase an Apex Officer Pro-Training Simulator and Apex Officer X2 hardware.

2. That the Proposal submitted by GOVRED in the amount of \$62,500 for an Apex Officer Pro-Training Simulator with Apex Officer X2 hardware upgrade, a copy of which is attached hereto and marked as Exhibit "A", be and the same is hereby approved, authorized, ratified and confirmed.

3. That the Mayor is hereby authorized and directed to execute and deliver the Proposal in the name and on behalf of the City and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other agreements, contracts, change orders, notices, certificates, instruments or other instruments or other communications under the seal of the City or otherwise, as they, or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution.

5. That the compensation to be paid to GOVRED shall come exclusively from funds derived from the gift described above and the Controller is authorized and directed to make all necessary and appropriate adjustments to this resolution.

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

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

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

ATTEST:

CITY CLERK



Apex Officer Training Simulator

Interactive Crisis Intervention, De-Escalation, and Force Options Training Simulator

Proposal Prepared For:

Sgt James Daniel

Opelika Police Department

501 S 10th St, Opelika, AL 36801

Business Sensitive: This document is confidential information and contains proprietary information belonging to Govred Technology Inc., and further acknowledges its obligation to comply with the provisions of this notice.

www.apexofficer.com

5006 Bond St, Las Vegas, NV 89118

702-901-5344

March 30, 2021

Dear Sgt James Daniel,

Thank you for your interest in the interactive Apex Officer virtual reality training simulator from Govred Technology, Inc. This proposal and attached sole source letter will provide you with requested system information, specifications, pricing and details for the system and equipment you've inquired about.

The Apex Officer training system is a comprehensive solution that is designed to allow trainers the ability to give presentations and classes, conduct interactive testing and assessment and provide immersive hands-on scenario-based exercises with detailed debriefing and after-action review. Each Apex Officer system is designed to increase trainee knowledge, skills and confidence in a safe, challenging environment that is highly interactive and engaging.

Through our history of providing innovative interactive simulation training solutions, Apex Officer has become widely regarded as a low-risk, highly reliable contracting, and business partner. We have the industry's most dedicated and customer committed sales and support team on staff and all Apex Officer customers receive the best technical service in the business, including free software updates, newly developed and released scenarios with new exercises and environments to keep interest high and skills sharp.

On behalf of the entire Apex Officer team, I sincerely appreciate the consideration of our proposal for this requirement and also to have the opportunity to be of service to the men and women of Opelika Police Department.

Respectfully sent on March 30, 2021.

Chase Dittmer
Founder and CEO

GOVRED Technology, Inc.
Direct: 702-901-5344
chase@apexofficer.com
www.apexofficer.com

APEX OFFICER – PRO TRAINING SIMULATOR SUITE		
Description	Qty	Price
Apex Officer – Pro Training Simulator System Includes: • Apex Officer Content Library • High Performance VR-Ready Workstation • Virtual Reality Head Mounted Display • Virtual Training Accessories • Apex Wireless • Haptic Training Vest • Dynamic Scenario Generator • After Action Debriefing • Advanced Officer Analytics • Apex Reporting and Monitoring • Apex Officer Training with Setup	1	\$95,868.00
Apex Officer Content Library Every Apex Officer training system includes 24/7 access to Apex Officer's proprietary content library. Apex Officer's content library of virtual reality police and law enforcement training scenarios is the most extensive in the industry. With our unique blend of randomization, artificial intelligence and voice recognition Apex Officer provides police departments and law enforcement agencies an infinite number of training opportunities and scenarios.	Inc.	
High Performance VR-Ready Workstation Every Apex Officer simulator comes equipped with a High-Performance VR-Ready Workstation computer. Each computer is capable of delivering a truly immersive virtual reality experience at a smooth 90 frames per second to the headset. • Intel Quadcore Processor • Nvidia GeForce GTX Graphics Card • 16gb DDR4 RAM • Solid State Storage • Windows 10 Pro 64-Bit Operating System	Inc.	

Virtual Reality Head Mounted Display (HMD) Apex Officer utilizes a state-of-the-art virtual reality head mounted display to create the world's most realistic and immersive judgmental training simulator. With our HMD, we're capable of producing active engagements from a 360-degree environment surrounding the trainees. Our systems utilize Dolby Atmos multi-directional audio technology and seamless software simulations that simulate different environments and situations that will challenge trainees.	Inc.	
Virtual Training Weapons and Accessories Apex Officer proprietary Virtual Training Weapons and accessories are designed to look, weigh, and feel just like their real-life counterpart. We worked hand and hand with multiple engineers in designing the firearms and training equipment used in our simulations. VR-Training Weapons Included: • Apex-VTW-U1 (Universal Device) • Apex-VTW-G1 (Pistol) • Apex-VTW-T26 (Taser) • Apex-VTW-R1 (Rifle) Every Apex Officer Virtual Training Weapon is equipped with: • Up to 32 low power, ASIC sensors, for 360-degree coverage • Built-in 1000Hz IMU for low latency, high resolution tracking • Bluetooth and wireless connectivity • Rechargeable battery	Inc.	
Apex Wireless (AW) The Apex Wireless system is a proprietary combination of wireless networking systems working in harmony to delivery a fully-immersive wireless virtual reality experience. • 2x SteamVR Wireless Basestations • Bluetooth Transmitters and Receivers	Inc.	
Haptic Training Vest (HTV) The Apex Officer Haptic Training Vest allows the users to experience incredible real-world sensations like never before inside of a simulator. Our HTV return-fire-simulator delivers a safe and adjustable electrical impulse to simulate hostile fire and enhance realism during training. Every HTV is equipped with more than 14 motion capture sensors, on-board data processing, and integrated tracking technology. With our HTV, every officer using the Apex Officer simulator will be able to feel every time they have been hit, shot, knocked, touched, or brushed up against.	Inc.	

After Action Debriefing (AAD) Our After-Action Debriefing system provides real-time monitoring, recording, and playback during debriefing sessions of trainees. Includes software and hardware that integrates into the Apex Officer line of simulators.	Inc.	
Advanced Officer Analytics (AOA) Our Advanced Officer Analytics system provides law enforcement agencies with the opportunity to optimize their recent training activities and provides unprecedented learning opportunities for every officer using the simulator. With the AOA, police departments can track training results and behaviors for each individual officer that runs through the simulator. With this data, the departments have an unprecedented insight into the strengths and weaknesses of each individual officer; thus, allowing for follow up training exercises.	Inc.	
Apex Reporting and Monitoring Audio and picture in picture color video capture of trainee's actions in a scenario that can be used for immediate or later debriefing and review. All footage can be scheduled for permanent deletion at a specified time interval (i.e. 24 hours, 72 hours, etc.).	Inc.	
Apex Officer Training with Setup Instructor/Operator Master course covering the Apex Officer system, hardware setup, software updates, troubleshooting and more for up to 6 students.	Inc.	
Apex Officer - Pro Training Simulator:		\$95,868.00
First In Alabama Discount:		-\$48,368.00
Total:		\$47,500.00
OPTIONAL UPGRADES		
Apex Officer X2 - Hardware Upgrade:		\$22,000.00
First In Alabama Discount:		-\$7,000.00
Total:		\$15,000.00
Grand Total W/ Upgrades:		\$62,500.00

-See Important Terms and Conditions Below-

Standard Terms and Conditions

1. Please make purchase order (PO) out to GOVRED Technology, Inc.
2. Payment Terms: Net 30 from date of invoice.
3. Budgetary Pricing: This document is intended for budgeting purposes only and does not constitute a firm fixed price offer nor binding agreement.
4. U.S. Delivery Lead Time:
 - a. Standard Production System: 30 Days ARO
 - b. Custom System Production: 120-180 ARO dependent on level of customization and component requirements.
5. Warranty: 12 Months from date of shipment.
6. If this sale is subject to Use Tax, then you are liable for the tax and should make payment direct to your taxing authority. However, we may collect Sales Tax for the following States: CA, FL, HI, IA, KY, MA, MI, NV, NY, UT, WA, WV.
7. Quote Valid: 30 days.
8. All prices quoted in US Dollars (\$USD).
9. Late Payment Penalties: Invoices not paid within 30 days of the invoice date will accrue interest at 2% per week.

Purchasing/Contracting Information

1. Company Name: GOVRED Technology, Inc.
2. Company Address: 5006 Bond St, Las Vegas, NV 89118
3. Order POC: Chase Dittmer
4. Order Email: chase@apexofficer.com
5. Phone: 702-901-5344
6. Cage Code: 7Z1H2
7. Tax ID: 82-1742313
8. DUNS: 080742556

Business Sensitive: This document is confidential information and contains proprietary information belonging to Govred Technology Inc., and further acknowledges its obligation to comply with the provisions of this notice.

Sole Source Letter

Govred Technology, Inc.
5006 Bond St, Las Vegas, NV 89118
Phone: 702-901-5344
<https://www.apexofficer.com>

RE: Sole Source Letter
March 30, 2021
To Whom It May Concern:

This letter is to confirm that the Apex Officer – Pro Training Simulator and Apex Officer X1, X2, X3, and X9 – Pro Training Simulator are all sole source products, manufactured, sold and distributed exclusively by Govred Technology, Inc. Currently, Govred Technology, Inc. is the sole manufacturer and provider of Apex Officer; nor any other company, makes a similar or competing product. This product must be purchased directly by institutions from Govred Technology, Inc. at the address provided below. There are no agents or dealers authorized to represent this product.

There are no other like item(s) or product(s) available for purchase that would serve the same purpose or function because of the proprietary and exclusive Apex Officer content library, training modules, dynamic scenario generator, and virtual reality training technology and accessories.

If you desire additional information, do not hesitate to contact me at 702-901-5344 at any time or visit our website at <https://www.apexofficer.com>. Thank you for your interest in our products.

Sincerely,
Chase Dittmer
Co-Founder

Govred Technology, Inc.
5006 Bond St, Las Vegas, NV 89118
Phone: 702-901-5344
Email: chase@apexofficer.com
<https://www.apexofficer.com/>

FACT SHEET

SUBJECT: Allow the Opelika Police Department to purchase the Apex Officer-Pro Training Simulator with the Apex Officer X2 hardware upgrade.

FACTS:

- There is an ever-increasing emphasis on police training especially related to the areas of use of force and de-escalation.
- The simulator is a virtual, interactive, training platform designed to enhance use of force and de-escalation training. The system provides limitless scenarios with real time response and body movement. The trainers can correct problem areas of officers and build a stronger understanding and response to difficult situations in the field. The equipment can help trainers to correct officers' safety issues while building confidence within the officers. The equipment can record officers' reactions, so the officers can correct negative performance.
- This simulator can train up to two officers at a time in a safe environment on topics that are inherently dangerous and not easy to train on via traditional training techniques. (With additional upgrades, up to eight officers can be trained at once in the same scenario.)
- The amount of the total purchase is \$62,500.00.
- The Opelika Police Department received a gift from Jerry and Lynn Schwarzauser to purchase this specific item.
- The gift consisted of stock options for the City of Opelika to sell. Once the sale was completed and after fees, the City of Opelika received \$66,923.80.
- By purchasing the simulator at this time, we receive one-time discounts of \$55,368.00, and will be grandfathered in for all future program upgrades at no charge. (The company is changing their business model so future customers will have a yearly cost to pay to be eligible for program upgrades.)

RECOMMENDATIONS:

- The Council approve the purchase of the Apex Officer-Pro Training Simulator with the Apex Officer X2 hardware upgrade.

RESOLUTION NO. 182-21

Agreement with Mark Foster Co. for Police and Fire Promotional Testing - HR.

RESOLUTION NO. _____

**RESOLUTION APPROVING AGREEMENT WITH
MARK FOSTER COMPANY FOR PROMOTIONAL TESTING
AND ASSESSMENT SERVICES FOR THE OPELIKA POLICE
DEPARTMENT AND THE OPELIKA FIRE DEPARTMENT**

WHEREAS, the City of Opelika (the “City”) has identified a need for professional services in developing, administering, and documenting the validity of examination and assessment procedures used for establishing the eligible lists for the ranks of Sergeant, Lieutenant and Captain in the Opelika Police Department (“OPD”) and the eligible lists for the ranks of apparatus operator, lieutenant, captain and battalion chief in the Opelika Fire Department (“OFD”); and

WHEREAS, Mark Foster Company provides its clients professional services in the areas of job analysis, test development and validation assessment center design; and

WHEREAS, the City wishes to engage Mark Foster Company to provide professional services in connection with the development of appropriate examination and assessment procedures for the OPD and OFD; and

WHEREAS, the term of the Contract shall be for three (3) years and will expire on December 31, 2024; and

WHEREAS, an Agreement for Professional Services (the “Agreement”) to be entered into between the City and Mark Foster Company has been prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Agreement; and

WHEREAS, the cost of services are on a per item basis for both the OPD and OFD, and are as follows:

Written Exam	\$3,000
Assessment Center	\$5,000
Validation of +/- Rating Form	\$3,000

Work will be performed on an as requested basis and billed on a per occurrence basis. All expenses, including travel expenses, are included with the exception of housing during the assessment center; and

WHEREAS, the compensation to be paid to Mark Foster Company under the Agreement shall come from budgeted funds in the Human Resources Department.

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

1. That the City does hereby retain the services of Mark Foster Company to develop validated promotional testing and assessment procedures for the ranks of Sergeant, Lieutenant and Captain in the Opelika Police Department and for the ranks of Apparatus Operator, Lieutenant, Captain and Battalion Chief in the Opelika Fire Department.
2. That the proposed Agreement to be entered into between the City and Mark Foster Company, 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.
3. That the Mayor is hereby authorized and directed to execute and deliver said Agreement in the name and on behalf of the City and the City Clerk is hereby authorized to attest the same.

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 Agreement.

5. That the compensation to be paid to Mark Foster Company and related expenses associated with Police Department and Fire Department promotional testing shall be paid from the Human Resources budget and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.

6. That the Purchasing-Revenue Manager is hereby authorized and directed to issue such appropriate purchase orders as may be necessary to carry out the provisions of this Resolution.

7. That the Mayor and Human Resources Director are hereby authorized to approve payment of all invoices in accordance with the approved budget for promotional testing in the Fire Department and or as otherwise approved by the City Council.

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

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

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK



SERVICES PROSPECTUS

INTRODUCTION

This scope of work proposal is provided to the City of Opelika Alabama Human Resources Department (HRD) by Mark Foster Company (MFC) for promotional testing services for the Police Department and the Fire Department. The HRD may choose to accept all or portions of this scope of work. The terms presented in this scope of work are good until December 31, 2024. This information is provided based on discussions with the Chiefs from both departments and Human Resources Director Ruth Blessing. The scope of work can be modified to meet the needs of the HRD as mutually agreed.

SERVICES TO BE PROVIDED

Review Existing/Conduct Job Analysis for Target Ranks

The starting point for establishing test validity is a job analysis study. The purpose of a job analysis study is to learn as much as possible about the positions for which the tests will be developed and administered. The testing instruments should then be developed from the information provided in the job analysis study. MFC shall review previous job analysis studies for each target rank. These studies will be updated as needed to reflect current job information or new job analysis studies will be conducted if job requirements have changed significantly from the results of the previous studies. Additional information such as the department written directive system, local ordinances, and other local conditions as determined should be provided to MFC. A selected group of SMEs may also be asked to review the job analysis information and test materials prior to administration for applicability to each department.

Test Development

Written Exams

MFC shall develop 100-item written exams for the target ranks.. Materials used to prepare the exam will be based on a mutually agreeable study guide which shall include policies and procedures, state law, local ordinances, training materials and professionally accepted standards. The written exams will be administered by MFC. Test materials will be reviewed by Subject Matter Experts (SMEs) for content and relevance to the departments.

Assessment Centers

MFC will develop three assessment center exercises specifically for each of the target ranks. SMEs will review these completed exercises and make recommendations based on local conditions. Dr. Mark Foster of MFC has thirty years of experience developing public safety assessment center exercises. All exercises will comply with department policy and will be based on local conditions and requirements.

Typical exercises include a role play scenario which will take the form of a structured interview with a preparation period. The candidate will be required to review a packet of materials prior to the meeting and then answer questions regarding the problems and recommend solutions. This exercise usually addresses personnel related issues. The second exercise takes the form of an oral presentation. This exercise can take several forms and content including current events and specifics of department policy. For the Fire Department it typically is an incident command scenario. The third exercise is a written memo that typically tests the candidate's ability to write a brief memo and could take several different forms. These are typical exercises and adjustments or variations may be required.

These three types of exercises have been used over the past twenty years and have proven their value in identifying strong leaders. If there are other types of exercises that are more appropriate for the HRD, MFC will utilize these as appropriate. MFC will provide written orientation materials to be distributed to all candidates to ensure they have reasonable expectations regarding the process.

Assessment Center Administration

MFC will provide a 6-10 hour assessor training program the day prior to beginning the assessment centers. It is anticipated that the assessment center can process 12-14 candidates per day. The length of the assessment center will be dependent on the number of candidates. Dr. Foster and other qualified staff of MFC will be on-site to administer all phases of the assessment center operation. HRD shall provide housing and per-diem for each assessor during the time that the assessment center is in operation. HRD shall provide housing to not more than two MFC staff while on-site to conduct the assessment centers. MFC and HRD will work together to identify and select qualified assessors to serve on the assessment center panels.

Delivery of Results

MFC shall provide assessment center results to HRD administration within ten days of the completion of the assessment center. The results will be delivered in a fashion agreeable with HRD policy (i.e., banded roster, rank order, etc.).

Feedback to Candidates

Each candidate that completes the assessment center will receive a confidential feedback letter that details their performance in each job related dimension. From this information the candidate will also be able to compare his/her scores with the candidate pool average.

Technical Support

In the event that a legal or administrative challenge to the testing process is made within one year of the delivery of the test results, MFC agrees to provide up to sixteen hours of consultation and/or technical support at no additional cost to HRD as part of this scope of work. Thereafter, MFC shall provide consultation and/or technical support at the rate of \$1,500 per day as needed.

FACILITY NEEDS

OPD shall provide six classroom type rooms to administer the assessment center for each rank. These facilities would be required from 08:00 to 17:00 each day.

COST OF SERVICES

The target ranks in the Police Department are Sergeant, Lieutenant, and Captain. The target ranks for the Fire Department are Apparatus Operator, Lieutenant, Captain, and Battalion Chief.

The cost of services is provided on a menu basis. The prices are the same for each department. These prices are fixed for the duration of this scope of work which expires December, 31, 2024.

Written Exam	\$3,000
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Assessment Center	\$5,000
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Validation of +/- Rating Form	\$3,000
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MFC will conduct the work on an as requested basis and bill on a per occurrence basis. For example, if the Police Department chooses to use a written exam and assessment center for Sergeant (\$3,000 + \$5,000), just an assessment center for Lieutenant (\$5,000) and not test for Captain (\$0), the cost would be \$13,000.

The cost for the classroom facilities and the housing and per diem for the assessors and MFC staff as noted is the responsibility of HRD. All expenses including travel expenses for MFC are included with the exception of housing during the assessment center. MFC can complete this work as mutually agreed.

CREDENTIALS

Dr. Mark Foster earned his doctorate in industrial/ organizational psychology from the University of Georgia. He has consulted with more than 150 public safety agencies regarding selection and promotional testing.

Dr. Foster primarily consults in the area of job analysis, test development and validation, assessment center design, administration and development, and biodata. He has conducted more than 500 job analysis studies using various techniques. He has developed more than 500 written job knowledge examinations and more than 600 assessment centers. All exams and assessment centers have been developed for public safety agencies to incorporate policies and procedures, local ordinances, and professional standards.

Dr. Foster has published book chapters regarding assessment center programs and job analysis. He has published in distinguished journals of research such as the *Journal of Applied Psychology*, *Personnel Psychology*, and *Human Performance*. He is a member of the American Psychological Association, the Society of Industrial and Organizational Psychology, and the Society of Police and Criminal Psychology.

CONTACT INFORMATION

Mark Foster, Ph.D.
Mark Foster Company
1050 Allgood Road
Athens, Georgia 30606
706-202-1161
mfoster@markfostercompany.com
www.markfostercompany.com



REFERENCES AVAILABLE UPON REQUEST

RESOLUTION NO. 183-21

Approve Project Agreement with Hanwha Cimarron, LLC - ED.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING PROJECT AGREEMENT BY AND AMONG
THE CITY OF OPELIKA, ALABAMA, OPELIKA INDUSTRIAL
DEVELOPMENT AUTHORITY AND HANWHA CIMARRON, LLC**

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

Section 1. The Council upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the City, Opelika Industrial Development Authority (“OIDA”) and Hanwha Cimarron, LLC, an Alabama limited liability company , (the “Company”) have prepared and presented to the Council that certain Project Agreement by and among the City, OIDA and the Company to be dated the date of delivery, as well as all Exhibits attached thereto (collectively, the “Project Agreement”) for the purposes referenced therein.

(b) The City is authorized to do any of the actions or undertakings referenced in Amendment No. 642 to the Constitution of Alabama of 1901, as amended (“Amendment 642”).

(c) Pursuant to the Project Agreement, the Company will agree to acquire and construct within the City a 429,000-square-foot automobile parts manufacturing facility to be located in the Opelika Northeast Industrial Park in the corporate limits of the City (the

“Project”), requiring an initial capital investment of approximately one hundred thirty million dollars (\$130,000,000.00). The Company estimates that it will employ up to approximately 265 full-time employees at the Project Site.

(d) In consideration for the obligations of the Company under the Project Agreement, the City will agree, among other things, to provide financial incentives to the Company described more particularly in the Project Agreement, including cash incentives, performance incentives and tax abatements. In addition, the City will agree, at no cost to the Company, to waive any and all site plan review fees, building and construction permit fees.

(e) The expenditure of public funds for the purposes specified in the Project Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities, because it will facilitate the acquisition and construction of the Project for the benefit of the general public, will increase employment opportunities in the City and will increase the tax and revenue base of the City.

(f) On July 27, 2021, the City caused to be published in *The Opelika-Auburn News*, which newspaper has the largest circulation in the City, the Notice required by Amendment 642, a true and correct copy of which Notice is attached hereto. The information set forth in said Notice is true and correct, and the publication of said Notice is hereby ratified and confirmed.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm

(a) the agreements, covenants and undertakings of the City set forth in the Project Agreement.

(b) the terms and provisions of the Project Agreement, with such changes thereto

(by addition or deletion) as the Mayor shall approve (other than an increase in the amount of the City's financial commitment which must be approved by this Council), which approval shall be conclusively evidenced by execution and delivery of the Project Agreement as hereinafter provided.

Section 3. The Mayor is hereby authorized and directed to execute and deliver the Project Agreement for and on behalf of and in the name of the City. The Clerk is hereby authorized and directed to affix the official seal of the City to the Project Agreement and to attest the same.

Section 4. The Mayor and the officers of the City are each hereby authorized and directed to take all such actions, and to execute, deliver and perform all such agreements, documents, instruments, notices and petitions and proceedings with respect to the Project Agreement, as the Mayor and such other officers shall determine to be necessary or desirable to carry out the provisions of this Resolution and the Project Agreement or duly and punctually observe and perform all agreements and obligations of the City under the Project Agreement.

Section 5. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor or any officer or member of the City Council or other representative of the City, in connection with the agreements, covenants and undertakings of the City hereby approved, or in connection with the preparation of the Project Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 6. This Resolution shall take effect immediately.

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

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

ATTEST:

CITY CLERK

I, the undersigned qualified and acting City Clerk of the City of Opelika, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a resolution lawfully passed and adopted by the City Council of the City of Opelika at a regular meeting held on the ____ day of _____, 2021, and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Opelika on this the ____ day of _____, 2021.

CITY CLERK
CITY OF OPELIKA, ALABAMA

RESOLUTION NO. 184-21

Approve Certain Tax Abatements and Exemptions for Hanwha Cimarron, LLC - ED.

RESOLUTION NO. _____

**RESOLUTION APPROVING CERTAIN TAX ABATEMENTS AND
EXEMPTIONS FOR HANWHA CIMARRON, LLC**

WHEREAS, the City of Opelika, Alabama, a municipal corporation (the “City”) and Hanwha Cimarron, LLC, an Alabama limited liability corporation, (the “Company”) have been engaged in discussions concerning the construction by the Company of a gas and fuel cell storage tank manufacturing facility (the “Facility”) to be located in the Opelika North Industrial Park within the corporate limits of the City; and

WHEREAS, the proposed Facility will result in a capital investment of up to one hundred thirty million, one hundred fifty thousand dollars (\$130,150,000.00) by the Company and will result in the creation of approximately two hundred sixty-one (261) full-time jobs at the Facility; and

WHEREAS, the City wishes to secure the numerous benefits to the City, its business community and its residents that could result from the construction and operation of the Facility within the City; and

WHEREAS, the Company has announced plans to acquire land, construct new buildings, and purchase and install new manufacturing machinery and other new personal property, including non-manufacturing machinery, other equipment, computers, furniture, etc. (the “Project”) at the site of the Facility; and

WHEREAS, the Project is estimated to be placed in service by July 1, 2022; and

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

WHEREAS, the Company's NAICS Code 332420 meets the qualifications of an industrial or research enterprise in accordance with §40-9B-3(a)(10), *Code of Alabama*, as amended; and

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

WHEREAS, the Company has requested that the abatement of state and local taxes be extended for a period of ten (10) years in accordance with the Act; and

WHEREAS, pursuant to Article IV of Chapter 51 of Title 11, *Code of Alabama*, the Company has requested from the City a complete exemption of non-educational City ad valorem taxes for a period of fifteen (15) years; and

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

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

WHEREAS, the Project will involve a capital investment of approximately \$130,125,000 which includes acquisition of land, construction of new buildings and new manufacturing machinery and other new personal property to be purchased and installed at the Facility and related costs; and

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

WHEREAS, the Company is duly qualified to do business in the State of Alabama and

has power to enter into and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

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

WHEREAS, the City wishes to secure the numerous and significant benefits to the City, its business community and residents that will likely result from the construction and operation of the Facility resulting from the acquisition of land, the construction of new buildings and the purchase and installation of new manufacturing equipment and other new personal property.

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

1. Approval is hereby given to application of the Company and abatement is hereby authorized of (1) all state and local non-educational property taxes for a period of ten (10) years; (2) all construction related transaction (sales and use) taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, as the same may apply to the fullest extent permitted by the Act; and (3) all mortgage and recording taxes. The period of abatement for non-educational property taxes shall extend for a period of ten (10) years as provided in §40-9B-3(a)12 of the Act.

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

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

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

1 and 2 above.

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

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

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

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

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

ATTEST:

CITY CLERK

RESOLUTION NO. 185-21

Amend CDBG 2020-2024 Consolidation Plan & PY2019 Action Plan.

Community Development staff request the City Council approve resolution to amend the 2020-2024 Consolidation Plan to add Esperanza House as a new activity. The Esperanza House will be a new subrecipient in the PY2021 Action Plan.

Community Development staff requests the City Council adopt a resolution to amend PY2019 to transfer \$12,000 in funds from COVID-Chamber of Commerce to COVID- Microenterprise Assistance as shown below. Staff proposes budget adjustment to transfer \$8,000 from PY2010 United Way-IDA to PY2020 Emergency Home Repairs.

RESOLUTION NO. _____

WHEREAS, the City of Opelika, an Entitlement City, receives U.S. Department of Housing and Urban Development (HUD) funds from the Community Development Block Grant (CDBG); and

WHEREAS, the City of Opelika desires to amend their 2020-2024 Comprehensive Plan and Program Year 2010, Program Year 2019, and Program Year 2020 Action Plans to provide further public services and to re-allocate unspent CDBG funding amounting to \$20,500 from a variety of activities; and

WHEREAS, the City's Consolidated Plan delineates Housing Services and Rehabilitation programs as primary goals of the City to improve the quality of life for all citizens; and

WHEREAS, a new activity will be added to the 2020-2024 Consolidated Plan.

WHEREAS, of the \$8,000 in unspent funding from PY2010 and \$12,500 from PY2019 will be allocated to Program Year 2019 and 2020 Action Plan budget as follows: \$8,000 to the

PY2020 Emergency Home Repair Loan Program, \$12,500 to the PY2019 CV-Microenterprise Program.

WHEREAS, the proposed amendment was advertised on June 6, 2021 in the Opelika Observer to announce a public hearing on June 24, 2021 and the start of a minimum 30-day citizen comment period ending July 10, 2021; and

WHEREAS, these changes meet the threshold for a substantial amendment to the action plan and consolidated plan; and

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

1. That the City adopt the Consolidated Plan and Action Plan amendments attached hereto.
2. That Gary Fuller, in his capacity as Mayor, be authorized to execute all agreements necessary to implement the amended Action Plans.

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

C. E. "Eddie" Smith, Jr.

President City Council

Opelika, Alabama

ATTEST:

Russell Jones

City Clerk

FACT SHEET

SUBJECT: Amend CDBG Action Plan PY 2019 and PY 2020

Community Development staff request the City Council approve resolution to amend the 2020-2024 Consolidation Plan to add Esperanza House as a new activity. The Esperanza House will be a new subrecipient in the PY2021 Action Plan.

Community Development staff requests the City Council adopt a resolution to amend PY2019 to transfer \$12,000 in funds from COVID-Chamber of Commerce to COVID-Microenterprise Assistance as shown below. Staff proposes budget adjustment to transfer \$8,000 from PY2010 United Way-IDA to PY2020 Emergency Home Repairs.

Description	Current Budget	Increase	Decrease	Ending Budget
United Way IDA (2010)	\$ 8,000		\$ 8,000	\$.00
Chamber of Commerce (2019)	\$12,500		\$12,500	\$.00
Emergency Home Repair (2020)	\$14,746.19	\$ 8,000		\$22,746.19
MicroEnterprise (2019)	\$104,365.37	\$12,500		\$116,865.37

HUD requires a minimum 5-day citizen comment period which commenced on June 24, 2021 and ends on July 10, 2021. As of this time, no comments have been received.

RESOLUTION NO. 186-21

CDBG PY2021 Action Plan.

CDBG PY2021 Annual budget and allocation of funding.

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 (2020-2024) 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 2021 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 Observer and/or Opelika Auburn News in order to give citizens an opportunity to comment and public hearings were programmed for April 12, 2021 and June 24, 2021; 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 PY2021 Annual Action Plan, attached hereto, under the Five-Year Consolidated Plan (2020-2024) 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 _____, 2021.

C. E. "Eddie" Smith, Jr.

President City Council

Opelika, Alabama

ATTEST:

Russell Jones

City Clerk



ANNUAL ACTION PLAN

CDBG

PY 2021

**Submitted to the Department of
Housing and Urban Development
Birmingham Field Office
October 1, 2021-September 31, 2022**

Attachment: Action Plan Draft (186-21 : CDBG PY2021 Action Plan.)

Executive Summary

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

1. Introduction

The City of Opelika is a Community Development Block Grant (CDBG) entitlement community and grantee. This is the Action Plan for PY2021 which is the second year of our 5-year Consolidate Plan. Expected funding for PY2021 is \$297,180, which is an approximate increase of 8.6%% from last year's 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.

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 city's Emergency Home Repair program, the Homeownership Loan program, and through the Building Inspection Division with the demolition of neglected and unsafe 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 per year 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 first-time home buyer with good credit but limited savings to afford home ownership. Our goal is to assist five (5) buyers per year to purchase a home.

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 costs for LMI at a time when they cannot afford to pay for an electrical, water, or gas bill. For PY2021 the City of Opelika will add Esperanza House as a subrecipient providing support to the Hispanic community by providing tutoring and school supplies for children k-12, food, and medical care.

3. Evaluation of past performance

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

The success of our Emergency Home Repair program and the number of people we can serve each year has made it impossible NOT to continue this activity each and every year. To date the City of Opelika has assisted five (5) homeowners with home repairs. This is not bad considering limited access to homes due to the pandemic. Sixty (60%) percent of our applicants were senior citizens. Many seniors are 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 often 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.

The City of Opelika has closed on three (3) Home Ownership Loans and has six (6) pending that will close prior to the end of this program year making this a very successful year.

Opelika Main Street has had three (3) facade renovations in the Historic Downtown Business District which is an economic driver bringing continued jobs and tax revenue.

Our most recent conducted annual timeliness report pulled on June 7, 2021, indicated that the city had a 0.69 time its current grant amount in the Line of Credit. This is well below the threshold of 1.5 times of the current grant amount. We have worked diligently providing public services, housing services, providing sidewalks, and facade improvements to benefit all our citizens and moved activities quickly.

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 April 12, 2021, and June 24, 2021. 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 publications is attached. Staff is very receptive to the thoughts and desires of our citizens and their needs and open to 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.

APRIL 30, 2021 NOTICE OF FUNDING AVAILABILITY AND OPEN APPLICATIONS

A hearing was held to announce the City of Opelika anticipated receiving federal CDBG funding from the U. S. Department of Housing and Urban Development (HUD) for activities such as commercial revitalization, housing rehabilitation, and neighborhood revitalization projects. A portion of this funding is planned for public service sub-recipients such as community groups and non-profits. Applications for funding are available. The public hearing was attended by City Councilwomen of Ward 2, Director of Opelika Housing Authority, Director of Opelika Main Street, and several non-profit organizations.

APRIL 30, 2021 PY2021 ACTION PLAN PUBLIC HEARING AND COMMENTS

A public hearing was held to receive public comments on actions to be taken with the Community Development Block Grant program funding. This allowed participants to ask questions about the CDBG program to voice their opinion on the needs of the community. The public hearing was attended by City Councilwomen of Ward 2, Director of Opelika Housing Authority, Director of Opelika Main Street, and several non-profit organizations.

JUNE 24, 2021 PY2021 ACTION PLAN PROPOSAL

A public hearing was held to receive public comments on the proposed PY2021 Action Plan and budget. This allowed participants to ask questions and make comments.

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

All comments received were given appropriate consideration and were weighed in conjunction with housing and community data, needs assessment data, input and feedback from service providers, and specific funding requests. No comments were rejected.

7. Summary

The City of Opelika will take all comments received to develop and implement PY2021 Action Plan (year 2) of the 5-year Consolidated Plan to meet all its objectives for affordable housing, economic opportunities, decent living environments, and support to social services to meet the needs of its most vulnerable in the community.

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)

The Community Development department is a division of the Planning department. It is the objective of the Community Development department to administer all programs covered by the Consolidated Plan and Annual Action Plans.

Consolidated Plan Public Contact Information

The contact for the Community Development department staff assigned to receive inquiries and comments from the public and other stakeholders specific to the Consolidated Plan and Annual Action Plan is:

C. Matthew Mosley or Lisa Thrift

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Planning Director
City of Opelika
700 Fox Trail
Opelika, AL 36801
(334) 705-5166

cmosley@opelika-al.gov

Community Development Administrator
City of Opelika
700 Fox Trail
Opelika, AL 36801
(334) 705-5155

lthrift@opelika-al.gov

DRAFT

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

1. Introduction

The City of Opelika has a strong network of organizations that work together to support the citizens in our community and provide needed services. Each organization, stakeholders, and citizens were consulted during the Consolidated Plan planning processes to determine which activities would be funded.

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(I))

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 as 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.

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 regularly 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, Point in Time counts, 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

DRAFT

Attachment: Action Plan Draft (186-21 : CDBG PY2021 Action Plan.)

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	ALABAMA RURAL COALITION FOR THE HOMELESS
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children 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, Participation in CoC, PIT surveys, use of published data
2	Agency/Group/Organization	One Voice Shelter Coalition
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	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	East Alabama Food Bank
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-homeless Services-Health Food insecurity
	What section of the Plan was addressed by Consultation?	Unmet needs-Food insecurity
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency consultation

4	Agency/Group/Organization	LEE RUSSELL COUNCIL OF GOVERNMENTS
	Agency/Group/Organization Type	Services-Elderly Persons Services-Persons with Disabilities Services-homeless Regional organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special 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
5	Agency/Group/Organization	Opelika Housing Authority
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Public Housing 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

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

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)

No other public entities or units of government where required.

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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 about determining community needs, goals, and priorities. All citizen participation activities were implemented in compliance with the City's approved Citizen Participation Plan (CPP), including advanced notice of public hearings and two public hearings. Efforts made to broaden citizen participation during social distancing due to COVID-19 included posting the meetings for viewing online. All information regarding public hearings and presentations were on the City of Opelika's publicly accessible website, public library, City Hall, Public Works building, and SportsPlex. Meetings were also posted on social media. Notices of the availability of all documents in hard copy form were made available for residents who do not have internet access or preferred to view a hard copy.

Input and feedback obtained because of the citizen participation activities listed above were heavily weighted in combination with community data, feedback from service providers, and other input to establish the goals and priorities listed within this plan.

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 Meeting	Community Wide	April 12, 2021	Support for more affording housing units was voiced and needed support for the Hispanic community was voiced.	N/A	
2	Public Meeting	Community Wide	June 24, 2021	TBD	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

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

Introduction

The City of Opelika is an Entitlement Grantee receiving an annual allocation of CDBG funding from the U.S. Department of Housing and Urban Development (HUD). Only CDBG funds are available to address the priority needs and specific objectives identified in the Strategic Plan. The City CDBG funding is expected to remain level over the next four years of the Consolidated Plan period. The City expects to receive \$292,864 in

PY2021 funding (October 1, 2021-September 31, 2022).

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	292,864	0	0	292,864	0	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.

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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

As a result of the Needs Assessment and Market Analysis that cost burdened and severe cost burdened households represents the greatest need, the City intends to allocate most of its CDBG resources to housing related issues. Priority will be given to rehabilitation of owner- occupied housing units to help preserve the stock of affordable units. This will also help with the elimination of slum/blight.

As part of the public service items budgeted, the City will assist cost burdened households who experience problems with making their utility payments and face disconnection of service. Public service funding will also be used to support the local food bank and Community Market to provide food and household goods to persons with food insecurities. The Esperanza House will provide tutoring and school supplies, food, and medical assistance for our Hispanic community members.

Lastly, CDBG funding will be used to improve LMI areas with public improvements such as sidewalks, ADA accessibility, and parks.

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	2020	2024	Affordable Housing	COMMUNITY WIDE		CDBG: \$63,167	Homeowner Housing Rehabilitated: 15 Household Housing Unit
2	Affordable Housing	2020	2024	Affordable Housing	COMMUNITY WIDE	Affordable housing	CDBG: \$40,000	Homeowner Housing Added: 5 Household Housing Unit
3	Supportive Services	2020	2024	Supportive Services	COMMUNITY WIDE	Supportive Services	CDBG: \$44,577	Public service activities for Low/Moderate Income Housing Benefit: 3050 Households Assisted
4	Facade Renovations	2020	2024	Eliminate slum/blight	HISTORIC DOWNTOWN	Eliminate slum/blight	CDBG: \$30,000	Facade treatment/business building rehabilitation: 5 Business
5	Public Facilities	2020	2024	Public Facility and Infrastructure	JETER NEIGHBORHOOD CARVER NEIGHBORHOOD	Public Facilities/Infrastructure	CDBG: \$60,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 500 Households Assisted

Table 6 – Goals Summary

Goal Descriptions

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1	Goal Name	Decent Housing
	Goal Description	The City of Opelika will continue the Emergency Home Repair Program aiding with the rehabilitation and repair of pending safety and health deficiencies for LMI households.
2	Goal Name	Affordable Housing
	Goal Description	The City of Opelika will continue with the Homeownership Loan Program providing financial assistance to first-time home buyers who purchase inside the city limits of Opelika.
3	Goal Name	Supportive Services
	Goal Description	The City of Opelika will support the East Alabama Food Bank Community Market, Lee-Russell Council of Government Utility Assistance Program, and the Domestic Violence Intervention Center.
4	Goal Name	Facade Renovations
	Goal Description	The City of Opelika will support the Main Street Facade Grant program to assist businesses in the Downtown Historic District with facade renovations as a revitalization, economic development, and historic preservation activity.
5	Goal Name	Public Facilities
	Goal Description	The City of Opelika will work on public facilities in two local designated target areas, Carver and Jeter neighborhoods to improved sidewalks with ADA accessibility, streetscapes, and parks.

Projects

AP-35 Projects – 91.220(d)

Introduction

The Annual Action Plan includes projects based on the priorities in the Consolidated Plan, available resources, and public involvement. The projects align directly with the federal objectives of: (1) decent housing, (2) suitable living environment, or (3) economic development opportunities. During PY2021, the Community Development office will lead the City's CDBG activities, focusing on housing rehabilitation, home attainment, delivery of public services, revitalizing and historic preservation of downtown business district, and improvement of public facilities.

Activities/Projects have been selected based on the current needs of our LMI citizens and are as follows:

- #1 Administration
- #2 Lee-Russell Council of Government Utility Assistance
- #3 East Alabama Food Bank Community Market
- #4 Esperanza House
- #5 Emergency Home Repairs
- #6 Home Buyers Loan Program
- #7 Main Street Facade Program
- #8 Public Facility Improvements

Projects

#	Project Name

Table 7 - Project Information

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

Priorities were established based on community input, feedback from service providers, demographics, and community data. The primary obstacle to addressing underserved needs is limited financial resources.

AP-38 Project Summary
Project Summary Information

DRAFT

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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 concentrations of minorities and poverty.

Geographic Distribution

Target Area	Percentage of Funds
COMMUNITY WIDE	100
JETER NEIGHBORHOOD	30
CARVER NEIGHBORHOOD	35
HISTORIC DOWNTOWN	10

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 concentrations 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

The City will continue citywide community development, with emphasis on the Carver and Jeter neighborhoods, to address identified priority needs. CDBG activities and projects are offered and available to all LMI citizens of Opelika.

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 homeowners who need health and safety issues addressed.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	20
Special-Needs	0
Total	20

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	5
Total	20

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

Discussion

Affordable housing remains a need in the City of Opelika. The Community Development office will continue to identify programs, resources, and partners to help address this issue.

AP-60 Public Housing – 91.220(h)

Introduction

The Opelika Housing Authority is the public housing authority that operates within the City. Public housing is probably the most importance source of housing for LMI individuals and families. The City of Opelika will continue to work with OHA to address housing needs and encourage homeownership.

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

The City of Opelika will work with the Opelika Housing Authority to address affordable housing needs.

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

The Opelika Housing Authority is not designated as troubled.

Discussion

OHA is well managed and working hard to make improvements to its housing stock to better the living conditions of both the units and peripheral. Community outreach includes youth programs, job training and job placement opportunities, and needs within its community.

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 of Opelika refers citizens seeking housing and are at risk of homelessness to United Way, Family Resource Center, Alabama Council on Human Relations, and Alabama Rural Coalition for Homeless (CoC) when assistance is needed. All of these organizations have screening processes that further refer candidates to other organizations to meet all of their needs.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Opelika 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. However, One Voice Coalition recently opened a fourteen (14) bed women and women with children facility that can house them for six to nine months to prepare for permanent housing. Referrals will be made to our regional CoC and other supporting organizations 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 Homeownership 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, the likelihood that families will fall into homelessness again is greatly decreased.

Discussion

The City will continue working with local and regional organizations who provide services and shelters for the homeless population.

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

Introduction:

The City has looked at its governmental policies to determine if such policies are harming the production of affordable housing.

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 about affordable housing include Emergency Home Repair Program.

Discussion:

The Consolidated Plan provides thoughts of any/all negative effects of the cost of housing in the City. The City plans no changes to its policies currently.

AP-85 Other Actions – 91.220(k)

Introduction:

The City will identify and address obstacles to meeting underserved needs and propose actions to overcome those obstacles in the Annual Action Plan. CDBG resources will be used to address the following:

1. Maintain affordable housing through the Homeownership Loan Program.
2. Address housing conditions through the Emergency Home Repair Program.
3. Address meeting LMI persons immediate needs through the Utility Assistance Program, Community Market (Food Bank), and Esperanza House (tutoring, school supplies, food, and medical care).
4. Promote economic development in the downtown business district through the Facade Grant Program.
5. And improve Public Facilities.

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. As the Hispanic population continues to grow in our community, the City of Opelika will this year support the Esperanza House in an effort to bridge communication and support these households.

Actions planned to foster and maintain affordable housing

CDBG funding single family Emergency Home Repairs 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 homeowners 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. Information and referrals will be provided for those seeking to earn their GED and receive job training so that they are qualified for higher paying jobs.

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 will continue to use multiple strategies to enhance coordination between agencies. This will include the allocation of General and CDBG funds to support the provision of services within the covered jurisdictions, as well ongoing communication and consultation with housing and non-housing service providers, public housing authorities, other local jurisdictions, and public agencies. The City also maintains a strong and productive relationship with Habitat for Humanity in producing affordable housing units.

Discussion:

CDBG funding will be used to support LMI households and areas with affordable housing, emergency assistance, special needs activities, and community improvements. These have all been addressed throughout the Action Plan.

Program Specific Requirements

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

Introduction:

The City of Opelika does not have activities that are income producing. If 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. Support of the East Alabama Food Bank Community Market addresses food insecurity and is considered an urgent need.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(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	3,050
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%

The City of Opelika allocates all funding outside of Administrative cost activities that benefit low-moderate income persons.

**City of Opelika
Community Development Block Grant (CDBG)
PY 2021 Draft Budget**

	PY2020 Budget	Proposed PY2021 Budget	Increase/ Decrease
TOTAL GRANT AMOUNT	\$271,786.00	\$292,864.00	8%
PUBLIC SERVICES (15% cap)	\$40,767.00	\$43,929.00	8%
LRCG Utility Assistance	\$13,447.00	\$16,609.00	23%
East Alabama Food Bank Community Market	\$22,320.00	\$ 22,320.00	0%
DVIC (childcare,counseling,reloca- tion, emergency aid)	\$3,500.00	\$.00	
Circles (Financial Literacy)	\$1,500.00	\$.00	
Esperanza House		5,000.00	
PUBLIC FACILITIES	\$60,000.00	\$60,000.00	
HOUSING SERVICES	\$86,662.00	\$100,363.00	16%
Emergency Home Repair	\$46,662.00	\$60,363.00	29%
Home Ownership Assistance	\$40,000.00	\$40,000.00	0%
REHABILITATION	\$30,000.00	\$30,000.00	0%
Main Street Opelika Façade Grant Program	\$30,000.00	\$30,000.00	0%
ADMINISTRATION (20% cap)	\$54,357.00	\$58,572.00	8%
Administration	\$54,357.00	\$58,572.00	8%

Attachment: PY2021 Draft Budget (186-21 : CDBG PY2021 Action Plan.)

RESOLUTION NO. 187-21

Grant Application with ALDOT for Industrial Access Road Grant - ENG.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION
WITH ALABAMA DEPARTMENT OF TRANSPORTATION (ALDOT)
AND ALABAMA INDUSTRIAL ROAD AND BRIDGE CORPORATION
FOR INDUSTRIAL ACCESS ROAD GRANT**

WHEREAS, the Alabama Industrial Road and Bridge Corporation was created through legislation in May 1985 and provides funding for industrial access road and bridge construction in Alabama; and

WHEREAS, the Alabama Department of Transportation (“ALDOT”) administers this program and reviews all grant applications; and

WHEREAS, the Alabama Development Office reviews each application to ensure economic viability of projects; and

WHEREAS, the results of both reviews are presented to the Industrial Access Bond Authority for consideration; and

WHEREAS, the Industrial Access Road and Bridge Program provides financial assistance for new or expanding industries; and

WHEREAS, the City of Opelika, Alabama (the “City”) is proposing to construct a new 25-foot wide asphalt road to connect a new manufacturing facility (“Project Crown”) to Northpark Drive within the Northeast Opelika Industrial Park; and

WHEREAS, the new manufacturing facility will represent a capital investment of

approximately \$130,000,000 and is expected to create 265 new full-time jobs; and

WHEREAS, the estimated cost of the new industrial access road is \$1,205,118; and

WHEREAS, the City is eligible to apply to ALDOT for an Industrial Access Road Grant in the amount of \$1,115,118; and

WHEREAS, the City recognizes that it is responsible for a \$90,000 local match requirement for the grant and will secure matching funds; and

WHEREAS, the City desires to submit a grant application to ALDOT and the Industrial Road and Bridge Corporation for the proposed new industrial access roadway.

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

1. That the Mayor is hereby authorized to execute and submit to ALDOT and the Industrial Road and Bridge Corporation on behalf of the City an industrial access road grant application in an amount not to exceed \$1,115,118.

2. That upon approval of the application, the Mayor is hereby authorized and directed to execute a grant agreement with ALDOT and to carry out and comply with the terms of the grant agreement.

3. That the City hereby agrees to accept the grant funds and comply with the terms of the grant as well as all applicable laws and regulations as stated in the grant agreement.

4. That the City agrees and acknowledges that it will be responsible for accomplishing all preliminary engineering activities, including obtaining all required permits, preparation of final contract plans, acquiring the public right-of-way, relocating utilities and

maintaining the completed roadway.

5. That the City agrees and acknowledges that all construction cost overruns will be the responsibility of the City and any construction cost underruns will be returned to the industrial access account.

6. That the portion of the local match not covered by in-kind services shall be paid from the Unassigned Fund Balance.

7. 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.

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

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

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

ATTEST:

CITY CLERK

RESOLUTION NO. 188-21

Grant Access Easement to Judson H. Salter, Jr., Anna S. Asbury, CJCF, LLC and Hayley Investments, LLC.

RESOLUTION NO. _____

**RESOLUTION GRANTING ACCESS EASEMENT TO JUDSON H. SALTER, JR.,
ANNA S. ASBURY, CJCF, LLC AND HAYLEY INVESTMENTS, LLC**

WHEREAS, the City of Opelika, Alabama (the “City”) owns certain property located in Block 11 according to Totten’s Official Real Estate Map of the City of Opelika, said property more particularly described as follows:

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

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

; and

WHEREAS, Judson H. Salter, Jr., Anna S. Asbury, CJCF, LLC and Hayley Investments, LLC own certain properties abutting the above-described property; and

WHEREAS, the City Council of the City of Opelika (the “City Council”) desires to grant an appropriate access easement to Judson H. Salter, Jr., Anna S. Asbury, CJCF, LLC and

Hayley Investments, LLC.

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

Section 1. That the permanent access easement attached hereto as Exhibit “A” is hereby approved, ratified and confirmed.

Section 2. That the Mayor is hereby authorized to execute and deliver said permanent access easement in the name and on behalf of the City and the City Clerk is hereby authorized to attest the same.

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

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

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

STATE OF ALABAMA)
 :
 COUNTY OF LEE) **PERMANENT ACCESS EASEMENT**

RECITALS

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, the City of Opelika, Alabama, a municipal corporation (hereinafter the “GRANTOR”), is the fee simple owner of certain lands situated in the City of Opelika and more specifically described below; and

WHEREAS, Judson H. Salter, Jr., and Anna S. Asbury are the fee simple owners of Lot 3F and part of Lot 3E of Block 11 according to Totten’s Official Real Estate Map of the City of Opelika recorded in Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, said property being further described as 201 South 8th Street; and

WHEREAS, CJCF, LLC, an Alabama limited liability company, is the fee simple owner of part of Lot 3E Block 11 according to Totten’s Official Real Estate Map of the City of Opelika recorded in Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, said property being further described as 207 South 8th Street; and

WHEREAS, Hayley Investments, LLC, is the fee simple owner of Lot 3D of Block 11 according to Totten’s Official Real Estate Map of the City of Opelika recorded in Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, said property being further described as 209 South 8th Street; and

WHEREAS, GRANTOR has agreed to grant and convey to Judson H. Salter, Jr., and Anna S. Asbury, CJCF, LLC and Hayley Investments, LLC, their heirs, successors and assigns (hereinafter collectively referred to as the “GRANTEES”) a permanent non-exclusive access easement to provide vehicular and pedestrian ingress and egress to their respective properties.

EASEMENT

NOW, THEREFORE, for the purposes set forth in the foregoing recitals, the GRANTOR does hereby grant to GRANTEES, their heirs, successors and assigns, a permanent, non-exclusive access easement across, over and along the following described property:

Commencing at the intersection of the northwesterly right of way line of Avenue A and the northeasterly right of way line of Ninth Street in Opelika, Lee County,

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

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

TO HAVE AND TO HOLD unto the GRANTEES, their heirs, successors and assigns forever, subject to the following terms and conditions:

1. This easement is not intended and shall not be construed to dedicate any easements to the general public or to grant to the general public any rights whatsoever.
2. The purpose of this easement is to grant vehicular and pedestrian ingress and egress to and from the GRANTEES' properties in the vicinity of the above-described property.
3. This easement shall remain in full force and effect in perpetuity.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal on this the ____ day of _____, 2021.

CITY OF OPELIKA, ALABAMA,
A MUNICIPAL CORPORATION

By: _____

ITS MAYOR

ATTEST:

CITY CLERK

STATE OF ALABAMA

COUNTY OF LEE

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

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

RESOLUTION NO. 189-21

Weed Abatement Assessment - Columbus Pkwy.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
Columbus Pkwy., Parcel No. 003.000**

=====

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

WHEREAS, the 3rd day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika,

Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$290.17 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: Columbus Pkwy., 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 43-10-04-17-1-000-003.000 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 _____,
2021.

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

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

WEED ABATEMENT INVOICE

Date: 7-23-2021

To: Fox Run Pkwy Development LLC
C/O Mark Griswell
2416 Emerald Dr.
Jonesboro, GA 30236

Property Address: Columbus Pkwy

Parcel # 43-10-04-17-1-000-003.000

On 5/27/2021, 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 on 7/17/2021. Below is a list of charges incurred as part of the weed abatement.

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

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

Cost of Abatement: **\$276.25**

Certified Mail: **\$13.92**

Regular Mail: _____

Total: **\$290.17**

Attachment: Weed Abatement Invoice Notice (new 6-30-21) (189-21 : Weed Abatement Assessment - Columbus Pkwy.)



RESOLUTION NO. 190-21

Weed Abatement Assessment - 723 Pleasant Dr.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
723 Pleasant Dr., Parcel No. 028.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 723 Pleasant Dr., parcel no. 028.000 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 723 Pleasant Dr., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 3rd day of August, 2021 at 7:00 p.m. in the Municipal Court Building of Opelika,

Alabama was the date, time and place heretofore established by the City Council to hear and determine any objections or defenses which may be raised by any of the property owners liable to be assessed for the work of abating said weed nuisance; and

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

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

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

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

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

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$164.92 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 723 Pleasant Dr., Parcel no. 028.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-01-12-4-002-028.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

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

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

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

Attest:

Russell A. Jones
City Clerk



Revenue Department

204 South 7th Street • P.O. Box 390

Opelika, AL 36803-0390

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

WEED ABATEMENT INVOICE

Date: 7-23-2021

To: Zhang Chunmei
2011 St. Patrick Ct.
Auburn, AL 36830

Property Address: 723 Pleasant Dr.

Parcel # 43-09-01-12-4-002-028.000

On 6/23/2021, 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 on 7/17/2021. Below is a list of charges incurred as part of the weed abatement.

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

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

Cost of Abatement: **\$151.00**

Certified Mail: **\$13.92**

Regular Mail: _____

Total: **\$164.92**

Attachment: Weed Abatement Invoice Notice (new 6-30-21) (190-21 : Weed Abatement Assessment - 723 Pleasant Dr.)



RESOLUTION NO. 191-21

Special Appropriation to the Boys & Girls Clubs of Greater Lee County.

RESOLUTION NO. _____

**RESOLUTION APPROVING SPECIAL APPROPRIATION
FOR THE BOYS & GIRLS CLUBS OF GREATER LEE COUNTY**

WHEREAS, on Thursday, July 29, 2021, the Boys & Girls Club of Greater Lee County (the “Boys & Girls Clubs”) will celebrate over 30 years of service to the Lee County Community by hosting the Great Futures Gala, a new signature fundraiser hosted by Mayor Ron Anders and Mayor Gary Fuller; and

WHEREAS, the Boys & Girls Clubs is dedicated to helping young people succeed by teaching lifelong skills and values while providing a safe space to learn and grow; and

WHEREAS, the core program areas include academic, leadership, fitness, arts and health-focused activities; and

WHEREAS, Ward 1 Councilman George Allen, Ward 3 Councilman Robert Lofton, and Ward 5 Councilman Todd Rauch wish to appropriate \$1,000 each from their respective discretionary funds and City Council President and Ward 4 Councilman Eddie Smith wishes to appropriate \$2,000 in order to assist with the event and the educational and leadership programs of the Boys and Girls Clubs.

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

1. That the City Council hereby approves a special appropriation in the amount of

\$5,000.00 to assist with the Great Futures Gala to be held on July 29, 2021, and the educational and leadership programs of the Boys and Girls Clubs.

2. That the Mayor and the Controller are hereby authorized to transfer the sum of \$1,000.00 each from the respective discretionary fund accounts of George Allen, Ward 1, Robert Lofton, Ward 3; and Todd Rauch, Ward 5 and \$2,000 from the discretionary fund account of Eddie Smith, Ward 4.

3. That the City Council hereby declares and determines that the expenditure of said funds will serve a public purpose by promoting the educational and leadership programs of the Boys & Girls Clubs.

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

5. That the City Clerk is hereby authorized to process the necessary paperwork so that the amount of \$5,000.00 can be processed by the Accounting Department.

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

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

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

ATTEST:

CITY CLERK

RESOLUTION NO. 192-21

Approve Amendment to Purchase Agreement Amendment with Point Broadband - OPS.

RESOLUTION NO. _____

**RESOLUTION APPROVING FIRST AMENDMENT TO ASSET PURCHASE
AGREEMENT BETWEEN THE CITY OF OPELIKA, ALABAMA
AND POINT BROADBAND OF ALABAMA, LLC**

WHEREAS, the City of Opelika, Alabama (the “City”) and Point Broadband, LLC previously entered into that certain Asset Purchase Agreement dated October 16, 2018, with respect to the purchase and sale of the assets related to the telecom/fiber business of the City of Opelika; and

WHEREAS, Point Broadband, LLC heretofore assigned its rights and obligations under the Asset Purchase Agreement to its subsidiary, Point Broadband of Alabama, LLC (“Point Broadband”); and

WHEREAS, the City and Point Broadband have a dispute concerning the interpretation of “applicable gross revenue” as such term is used in Section 1.05(b); and

WHEREAS, the City and Point Broadband desire to amend the Asset Purchase Agreement in order to resolve said dispute; and

WHEREAS, a proposed First Amendment to Asset Purchase Agreement was prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said First Amendment.

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

1. That the attached First Amendment to Asset Purchase Agreement to be entered into between the City and Point Broadband is hereby approved, authorized, ratified and confirmed.

3. That the Mayor is hereby authorized to execute and deliver said First Amendment in the name and on behalf of the City, and the City Clerk is hereby authorized to attest the same.

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, permits, contracts, agreements, disclosures 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 provisions of this Resolution and the attached First Amendment.

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

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

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

ATTEST:

CITY CLERK

STATE OF ALABAMA)

COUNTY OF LEE)

**FIRST AMENDMENT TO
ASSET PURCHASE AGREEMENT**

THIS FIRST AMENDMENT TO ASSET PURCHASE AGREEMENT is made and entered into this the 1st day of September, 2021, by and between **THE CITY OF OPELIKA, ALABAMA** (the “**SELLER**”) and **POINT BROADBAND OF ALABAMA, LLC** (the “**BUYER**”).

RECITALS

WHEREAS, the City of Opelika and Point Broadband, LLC previously entered into that certain Asset Purchase Agreement dated October 16, 2018, with respect to the purchase and sale of the assets related to the telecom/fiber business of the City of Opelika; and

WHEREAS, Point Broadband, LLC heretofore assigned its rights and obligations under the Asset Purchase Agreement to its subsidiary, Point Broadband of Alabama, LLC (hereinafter referred to as the “**PURCHASER**”); and

WHEREAS, Section 1.05(b) of the Asset Purchase Agreement reads as follows:

“In addition to the Base Purchase Price, beginning on the twenty-fifth (25th) month after the Closing Date and continuing for one hundred and twenty (120) consecutive months, **BUYER** shall pay to **SELLER** monthly, in one month arrears, an amount equal to three and one-half percent (3.5%) of the Applicable Gross Revenue, if any, less any amount due to **BUYER** from **SELLER** for services rendered under the Network Monitoring Agreement to **SELLER** (“Revenue Share”). Collectively, the Base Purchase Price and the Revenue Share are referred to as the “Purchase Price”.

; and

WHEREAS, the **SELLER** and the **BUYER** have a dispute concerning the interpretation of “Applicable Gross Revenue” as such term is used in Section 1.05(b); and

WHEREAS, the Parties desire to amend the Asset Purchase Agreement in order to resolve said dispute.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein and in the Asset Purchase Agreement, and further good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section 1.05(b) is hereby amended to read as follows:

“In addition to the Base Purchase Price, beginning on the twenty-fifth (25th) month after the Closing Date and continuing for one hundred and twenty (120) consecutive months, **BUYER** shall pay to **SELLER** monthly, in one month arrears, an amount equal to three and one-half percent (3.5%) of all revenues derived by the **BUYER** from Internet/data service plus 1.75 percent (1.75%) of all revenues derived by the **BUYER** from voice services utilizing Voiceover Internet Protocol (“VoIP services”), less any amount due to **BUYER** from **SELLER** for services rendered under the Network Monitoring Agreement (“Revenue Share”) collectively, the Base Purchase Price and the Revenue Share are referred to as the “Purchase Price”.

2. This Amendment shall be effective retroactively to January 1, 2021, the date the Buyer made the first voice payment. The payment set forth in Section 1.05(b) shall be made semiannually going forward beginning on August 15, 2021. (January – June Revenue Share paid by August 15; July – December Revenue Share paid by February 15).

3. Except as amended herein, all other terms and conditions of the Asset Purchase Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have caused these presents to be executed in two (2) counterparts, each of which shall be deemed an original and corporate seals to be affixed hereto by their respective officers duly authorized as of the Effective Date.

THE CITY OF OPELIKA, ALABAMA

By: _____
ITS MAYOR

Date: _____

POINT BROADBAND OF ALABAMA, LLC

By: _____
Chad Wachter, General Counsel

Date: _____

RESOLUTION NO. 193-21

Approve Amendment to Service Agreement with Icotech, Inc. - OPS.

RESOLUTION NO. _____

**RESOLUTION TO APPROVE AMENDMENT TO SERVICE AGREEMENT WITH
ICOTECH, INC. FOR SECURITY MAINTENANCE AND SUPPORT**

WHEREAS, IcoTech, Inc. (hereinafter “IcoTech”) specializes in providing electronic security systems; and

WHEREAS, IcoTech heretofore installed the camera and security systems at the Opelika Power Services (“OPS”) campus; and

WHEREAS, said security systems are a significant investment so that it is important to maintain, support and service them properly; and

WHEREAS, in 2015, the City of Opelika (the “City”) entered into a Service Agreement with IcoTech, which agreement provided extended warranty support for said camera and security systems; and

WHEREAS, said Service Agreement expires on July 26, 2021; and

WHEREAS, IcoTech has prepared and submitted to the City Council an Amendment to Service Agreement for extended warranty support and maintenance services for the following systems for the Opelika Power Services building and Opelika Fiber Services building: IP video surveillance and recording system, card access system and outdoor VoIP intercom system; and

WHEREAS, IcoTech proposes to provide extended warranty support and maintenance service for a term of three (3) years from July 27, 2021 through July 26, 2024, at the rate of

28,438.00 per year; and

WHEREAS, the City Council desires to accept the Amendment to Service Agreement (the “Amendment”) submitted by IcoTech and award the Agreement for Extended Warranty Support Services to IcoTech; and

WHEREAS, the annual fee shall come from the Opelika Power Services budget; and

WHEREAS, the Director of Opelika Power Services has certified that the funds for the annual payment to IcoTech are available in budgeted funds.

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

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

2. That the Amendment submitted by IcoTech is hereby accepted and the Mayor is hereby authorized and directed to execute and deliver in the name and on behalf of the City an Amended Agreement with IcoTech for extended warranty and support services.

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 Amendment.

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

5. That the Purchasing-Revenue Manager is authorized and directed to issue all necessary and appropriate purchase orders to implement this Resolution.

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

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

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

ATTEST:

CITY CLERK



ICOTECH
DETENTION SECURITY ELECTRONICS

P.O. Box 210424, Montgomery,
Alabama 36121
334-386-9996 FAX: (888) 696-5403
e-mail info@icotechinc.com
www.icotechinc.com

AMMENDMENT TO SERVICE AGREEMENT

Customer	Opelika Power Services
Project	OPS and OFS buildings
Quote to	Nathan Mallory
Date	7/15/2021
Valid for	30 Days
Quote ID	07152021

Nathan,

Pursuant to Section 1.02.5 of the signed agreement from 2018, we are offering to extended the warranty support for the following systems for the Opelika Power Services building (OPS) and Opelika Fiber Services building (OFS) as initially agree upon with the following modifications:

- Remove all user workstations
- Technical support for Vehicular Gates (equipment not included)
- Added the Fargo Card Printer not previously listed

The adjusted annual will be reduced to \$28,438 for the new warranty period. This amendment will cover from July 27, 2021 through July 26, 2024 and will be billed on an annual basis.

This quotation is valid for thirty (30) days from the date first written above.

If you have any questions regarding this quotation, please do not hesitate to call our office.

Agreed and accepted

WARRANTY COMPANY

ICOTECH, Inc.

By: _____

Its: _____

P.O. Box 210424
Montgomery, Alabama 36121
Phone (334) 386-9996

CUSTOMER

Opelika Power Services

By: _____

Its: _____

600 Fox Run Parkway
Opelika, Alabama 36801
Phone (334) 705-5582

Attachment: OPS Extended Warranty Ammendment 2021 (193-21 : Approve Amendment to Service Agreement with Icottech, Inc. - OPS.)



P.O. Box 210424, Montgomery,
Alabama 36121
334-386-9996 FAX: (888) 696-5403
e-mail info@icotechinc.com
www.icotechinc.com

Quotation

Customer	Opelika Power Services
Project	OPS and OFS buildings
Quote to	Nathan Mallory
Date	07/15/2021
Valid for	30 Days
Quote ID	07152021

Nathan,

Per your request, we are pleased to provide the following quotation:

Provide extended warranty support for the following systems for the Opelika Power Services building (OPS) and Opelika Fiber Services building (OFS):

- IP Video surveillance and recording system
- Card Access system
- Outdoor VoIP intercom system
- Technical Support for all systems including Vehicular Gates (Gate equipment not included)

1.01 Warranty covers all items provided by Warrantor including:

- iPro software (includes updates to most current production version) (base package plus 57 camera licenses)
- Panasonic Storage server (1)
- POE Network switches (2)
- DIN Rail mount switches for site cameras (5)
- Rack mount KVM (1)
- Fargo DTC 4500 Card Printer (1)
- Interior IP Cameras (22)
- Exterior IP Cameras (35)
- Exterior VoIP Intercoms (2)
- Surge suppressors for outdoor cameras (35)
- Rack Mount Power supplies (3)
- Exterior Site Power supplies (5)
- S2 Extreme network controller (1)
- S2 Netbox extreme software (includes updating to most current production version) (1)
- S2 Network Nodes (2)
- HID iCLASS Card readers (29)
- Magnetic locks (1)
- Electric strike locks (13)
- Exterior Keypads (4)
- RF receivers, Antenna extenders, power supplies, and (30) remote controls

1.02 Terms and Conditions:

1. This Agreement is made this _____ day of _____, 2021, between ICOTECH, Inc. ("Warrantor"), with a principal place of business at Montgomery, Alabama and Opelika Power Services ("Customer") with a principal place of business at 600 Fox Run Parkway Opelika, Alabama.
2. The Warrantor desires to furnish extended warranty for the Systems. The Customer desires to have the Warrantor provide extended warranty for the Systems. It is therefore agreed:
3. In accordance with this Agreement, the Warrantor shall upon execution of this Agreement renew the original factory warranty for the Systems and equipment described in section 1.01 above. This renewal includes all parts and labor necessary to fulfill the obligations of the warranty agreement.
4. The term of this Agreement shall commence as of the _____ day of _____ 2021 and shall continue in full force and effect until the _____ day of _____ 2024 ("Initial Term") and shall automatically be terminated thereafter unless renewed by both of the parties pursuant to this Agreement. Following the completion of the first year of service, either party, by giving at least sixty (60) days written notice to the other party, may terminate this Agreement. In any event, this Agreement shall be in effect for a minimum of one (1) year unless terminated pursuant to Section 1.02 - 13 hereof.
5. Warrantor shall, at the request of the Customer, restore damaged, defective, or non-functioning parts or components to full working order in accordance with the original project specifications and Original Equipment Manufacturer (OEM) product specifications. Warrantor may, at its option, have the part(s) repaired or may replace the part(s) with a new part of identical design. If a new part of identical design is not available, the Warrantor shall provide a part that meets or exceeds the specifications of the original part.
6. Warranty claims may be made via email or telephone Monday through Friday 8:00 am to 5:00 pm Central time. Warrantor shall respond to a warranty claim from the Customer within one (1) business day unless special non-stocked parts are required. In the event that special non-stocked part(s) are required for the repair, Warrantor shall make every reasonable effort to expedite acquisition and delivery of such part(s).
7. The following items are excluded from this Agreement and Warrantor shall have no responsibility whatsoever with regard to them: Parts or components damaged or destroyed by acts of God (i.e., earthquake, flooding, tornado, lightning, etc.); any parts or components for electronic control systems and devices other than the Systems described above; any part or component damaged or destroyed due to negligence, deliberate misuse or malicious action.
8. In consideration for the extended warranty described above provided by Warrantor:
 - (a) The Customer shall pay the Warrantor the rate of \$28,438.00 (Twenty Eight Thousand Four Hundred Thirty Eight and No/100's.....Dollars per year at the commencement of each one (1) year term.
 - (b) In addition to the amount specified in (a) immediately above, the Customer shall pay to the Warrantor the amount of any tax imposed on the Customer by any existing or future law and the amount of any and the amount of any tax imposed on the Warrantor or its supplies under any law becoming effective after the date of this Agreement that is based on or incident to the transfer, use,

ownership, or possession of the parts, equipment, and materials or to the services involved in the performance of the obligations of the Warrantor under this Agreement.

9. Warrantor will not be liable to Customer, or to anyone who may claim any right due to a relationship with Customer (including, but not limited to, officers, employees, agents and representatives of Customer, invitees, licensees and guests of Customer, for any acts or omissions in the performance of services under this Agreement or on the part of the employees or agents of Warrantor unless the acts or omissions are due to the willful misconduct of Warrantor. Customer shall indemnify and hold Warrantor free and harmless from any obligations, costs, claims, judgments, and attorney's fees, and attachments arising from, growing out of, or in any way connected with the services rendered to Customer under this Agreement, unless Warrantor is judged by a court of competent jurisdiction to be guilty of willful misconduct.
10. Customer agrees to comply with all reasonable requests of Warrantor necessary to the execution of Warrantor's duties under this Agreement.
11. Customer agrees to assist Warrantor in the performance of the Services under this Agreement by complying with any reasonable request for information in relation to a warranty issue or in providing physical access to warranted items or remote internet access to the system network for remote troubleshooting.
12. This Agreement shall continue in force and effect until terminated by the provisions as set forth in Section 1.02 - 13 or by written termination by one of the parties as provided in Section 1.02 - 4
13. This Agreement shall terminate automatically on the occurrence of any of the following events:
 - (1) Bankruptcy or insolvency of either party;
 - (2) Sale of the business of either party;
 - (3) Death or dissolution of either party;
 - (4) Assignment of this Agreement by either party without the consent of the other party.

This quotation is valid for thirty (30) days from the date first written above.

If you have any questions regarding this quotation, please do not hesitate to call our office.

Agreed and accepted

WARRANTY COMPANY

ICOTECH, Inc.

By: _____

Its: _____

P.O. Box 210424
Montgomery, Alabama 36121
Phone (334) 386-9996

CUSTOMER

Opelika Power Services

By: _____

Its: _____

600 Fox Run Parkway
Opelika, Alabama 36801
Phone (334) 705-5582

ORDINANCE NO. (ID # 4782)

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

ORDINANCE NO. _____

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

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

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

ARTICLE IV

RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION

Sec. 12-40. Title.

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

Sec. 12-41. Legislative Findings.

The City of Opelika does hereby find and declare that:

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

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

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

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

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

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

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

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

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

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

Sec. 12-42. Purpose.

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

Sec. 12-43. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12-44. Scope.

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

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

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

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

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

Sec. 12-46. Application Requirements.

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

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

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

Sec. 12-47. Registration Renewal.

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

Sec. 12-48. Changes In Ownership.

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

Sec. 12-49. Registration Fee.

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

Sec. 12-50. Agent Required.

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

Sec. 12-51. Rental Property Inspection.

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

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

Sec. 12-52. Re-inspections.

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

Sec. 12-53. Complaint-based Inspection.

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

Sec. 12-54. Rental Occupancy Certificate.

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

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

Sec. 12-55. Exemptions From Inspection Requirement.

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

Sec. 12-56. Inspection Fees.

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

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

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

Sec. 12-57. Administrative Regulations.

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

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

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

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

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

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

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

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

tenants.

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

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

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

Sec. 12-59. Revocation of Rental Occupancy Certificate

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

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

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

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

Sec. 12-60. Appeals.

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

Sec. 12-61. Penalties For Violation.

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

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

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

(b) The City may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages resulting from any violation of this article and may seek other equitable relief to enforce compliance with the provisions of this article or to enforce compliance with any lawful orders of the Building Official.

Sec. 12-63. Liability.

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

Sec. 12-64. Severability.

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

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

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

Section 4. **Publication.** The City Clerk of the City of Opelika, Alabama, is hereby authorized and directed to cause this ordinance to be published one (1) time in The Opelika-Auburn News, a newspaper published in and of general circulation in the City of Opelika, Alabama.

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

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

ATTEST:

CITY CLERK

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

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 4786)

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

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT OF THE CITY COUNCIL OF THE

CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

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

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT “A”

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

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

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

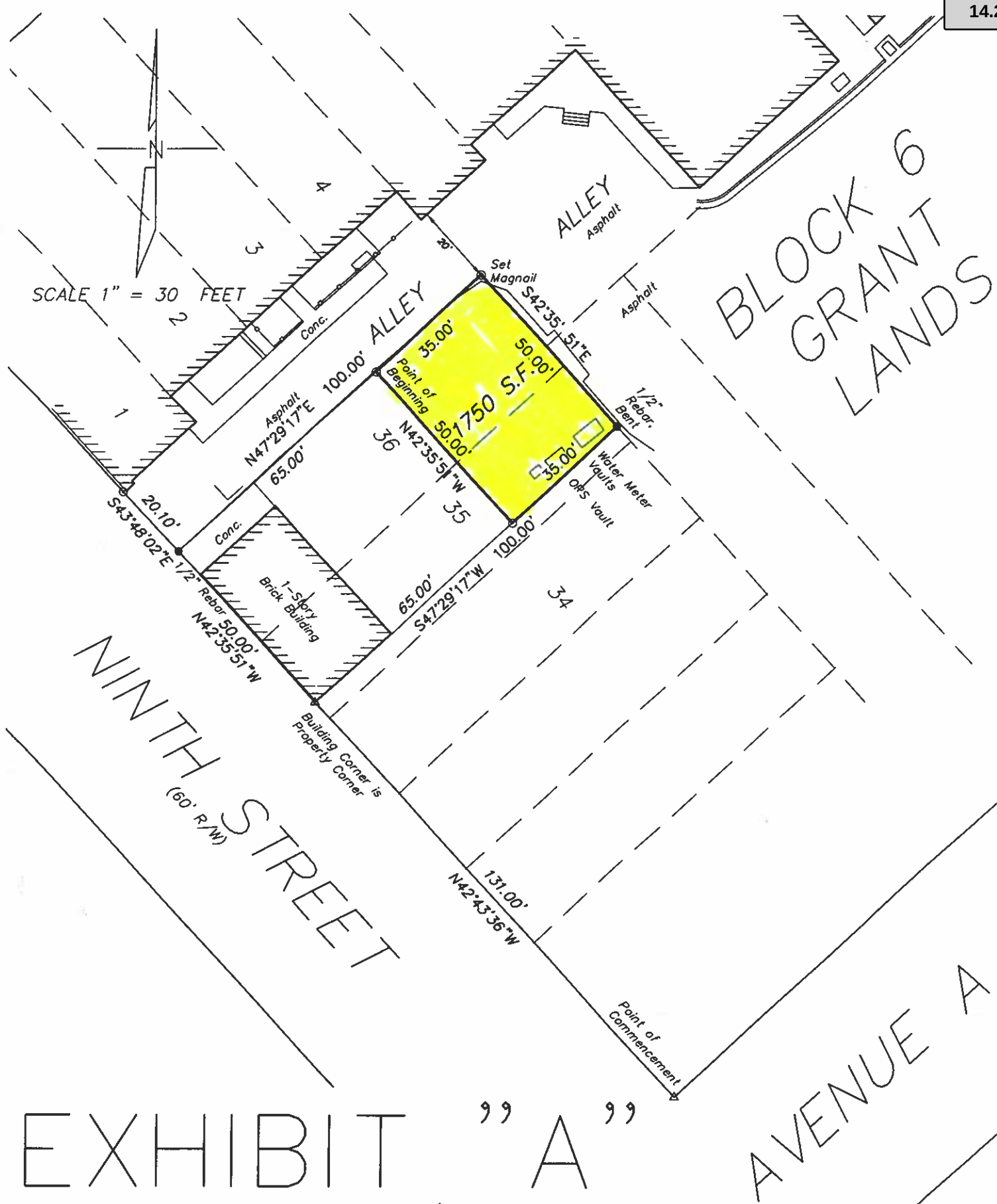
EXHIBIT "B"

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

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

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

Deed Reference: Deed Book: 2552 at Page 438.



Attachment: Exhibit A to Ordinance (4786 : Authorize the Exchange of Real Property to CJCF, LLC - 2nd Reading.)

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