The City Council of the City of Auburn, Alabama met in regular session on Tuesday, November 20, 2012 at 7:01 PM in the Council Chamber of the Auburn Public Safety Building at 141 North Ross Street.

1. **CALL TO ORDER**. Mayor Bill Ham, Jr.

Mayor Ham called the meeting to order.

2. **ROLL CALL**.

Present: Councilpersons Ron Anders, Jr., Brent Beard, Arthur L. Dowdell, Sr., Gene Dulaney, Robin Kelley, Bob Norman, Dick Phelan, and Mayor Bill Ham, Jr. Also present was City Manager Charles M. Duggan, Jr.

Absent: Councilperson Tom Worden.

3. **PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**.

Mayor Ham invited all present to stand and join the Council in reciting the Pledge of Allegiance to the U. S. Flag and in observing a moment of silence after the Pledge.

4. **MINUTES**. November 6, 2012.

Councilperson Kelley moved that the minutes be approved.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the minutes approved.

5. **MAYOR'S COMMUNICATIONS**. Mayor Ham.

a. Committee of the Whole.

Mayor Ham stated that at the Committee of the Whole meeting previously held, the City Council approved the minutes from the previous Committee of the Whole meeting. Mayor Ham noted that nominations were made for appointments to the Parks & Recreation Advisory Board. He said the appointments will be made at the proper time on the agenda.

b. Announcements.

Mayor Ham welcomed new Councilperson Ron Anders, Jr. He noted that Councilperson Anders was sworn in on Friday, November 9, 2012 by Judge James McLaughlin in the presence of Mayor Ham, several members of Council and management team, and Mr. Anders' family.

6. **AUBURN UNIVERSITY COMMUNICATIONS**.

SGA Director of City Relations Clay Phillips was not in attendance.

Mayor Ham announced that Auburn University won the Beat Bama Food Drive this year. Auburn University collected 273,650 pounds of food for the East Alabama Food Bank and The University of Alabama collected 266,737 pounds of food for the West Alabama Food Bank.

7. **CITIZENS' COMMUNICATIONS.**

None.

8. **CITY MANAGER'S COMMUNICATIONS.** City Manager Duggan.

a. Alcoholic Beverage Licenses. Consideration.

(1) Sushi boy and Girl, LLC dba/Sushi Boy and Girl. 675 Opelika Road (formerly Touchdown's). 020 – Restaurant Retail Liquor License.

City Manager Duggan said Sushi Boy and Girl, LLC dba/Sushi Boy and Girl is seeking approval for a transfer of a 020 – Restaurant Retail Liquor alcoholic beverage license for property located at 675 Opelika Road (formerly Touchdown's) in the Comprehensive Development District (CDD) zoning district, which permits the restaurant (commercial and entertainment) use. He noted that this is a new business that does not currently have an alcoholic beverage license. The business is operating under the license issued to the former owner.

Councilperson Kelley moved that the request be granted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the motion carried.

(2) Christine's Unlimited, LLC dba/Christine's Unlimited. 2272 Moores Mill Road, Suite 208. 040-Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) Licenses.

City Manager Duggan said Christine's Unlimited, LLC dba/Christine's Unlimited is seeking approval for a transfer of a 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) alcoholic beverage

8. **CITY MANAGER'S COMMUNICATIONS (cont).**

licenses for property located at 2272 Moores Mill Road, Suite 208 in the Limited Development District (LDD) zoning district with an overlay of the Planned Development District (PDD) designation, which permits the catering business, (commercial and entertainment) use by conditional use approval. He noted that this is a new business that does not currently have an alcoholic beverage license. The business is operating under the license issued to the former owner.

Councilperson Kelley moved that the request be granted.
Councilperson Dulaney seconded the motion and all members voted aye.
Mayor Ham declared the motion carried.

b. Announcement of Board Vacancies. Appointments at the December 18, 2012 Meeting.

(1) Planning Commission. One Vacancy. Resignation. Unexpired Term Ends July 31, 2016.

(2) Auburn Cemeteries Advisory Board. Two Vacancies. Four Year Terms Expire December 31, 2016.

City Manager Duggan announced that one vacancy exists on the Planning Commission due to the resignation of Ron Anders, Jr. who was appointed to the City Council; and two vacancies will exist on the Auburn Cemeteries Advisory Board on December 31, 2012. He noted that the appointments to both boards will be made at the December 18, 2012 meeting.

9. ORDINANCES.

a. Traffic Control Signs and Devices. Establish One (1) Stop Sign. Asheton Lakes Subdivision, 8th Addition. Unanimous Consent Necessary.

City Manager Duggan stated this Ordinance establishes one stop sign in Asheton Lakes Subdivison, 8th Addition.

Councilperson Dulaney introduced the Ordinance.
City Manager Duggan read the Ordinance by Title.
Councilperson Dulaney moved that unanimous consent be granted to consider the Ordinance.
Councilperson Phelan seconded the motion.

9. **ORDINANCES (cont).**

Mayor Ham asked if there was an objection to the Ordinance being considered on its first reading.

Hearing no objection from the Council, Mayor Ham declared unanimous consent granted and the Ordinance ready for adoption.

Upon roll call vote, the following Council members voted aye: Anders, Beard, Dowdell, Dulaney, Kelley, Norman, Phelan, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2798

10. **RESOLUTIONS**.

a. Irene Kane dba/The Buzz. 116 North College Street. Seek Injunction from Circuit Court for Delinquent Fees.

City Manager Duggan stated that this Resolution authorizes legal action against Irene Kane, owner of The Buzz, to obtain payment of delinquent taxes and occupational license fees, up to and including an injunction to restrict The Buzz from continuing business operations in the City of Auburn.

Councilperson Kelley moved that the Resolution be adopted.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 12-223

b. Conditional Use Approvals. Industrial Use in the Industrial (I) Zoning District. Manufacturing Use. Planning Commission Recommendations. Public Hearings Required.

(1) W&W Holdings, LLC. Terry Doyle-Bailey Harris Construction (Authorized Representative). Property Located at 265 Teague Court. CNJ Expansion.

City Manager Duggan stated that Terry Doyle of Bailey Harris Construction is requesting conditional use approval for the expansion of an existing industrial use-manufacturing use located in the Industrial District (I) zoning district. He noted that the property is located at 265 Teague Court (CNJ Expansion).

10. **RESOLUTIONS (cont)**.

Mr. Duggan noted that Section 803 of the Zoning Ordinance establishes procedures for the review of conditional uses, including a public hearing conducted by the City Council. He noted that the Planning Commission unanimously recommended approval of the request at its November 8, 2012 meeting.

Mayor Ham opened the public hearing.

There being no comments from the audience, Mayor Ham declared the public hearing closed.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-224

(2) Industrial Development Board of the City of Auburn. Property Located at Lot 14, Auburn Technology Park West (south of Innovation Drive, north of Beehive Road, and west of West Tech Lane. Project China.

City Manager Duggan stated that the Industrial Development Board of the City of Auburn is requesting conditional use approval for an industrial use-manufacturing use located in the Industrial District (I) zoning district. He noted that the property is located at Lot 14, Auburn Technology Park West (south of Innovation Drive, north of Beehive road, and west of West Tech Lane (Project China).

Mr. Duggan noted that Section 803 of the Zoning Ordinance establishes procedures for the review of conditional uses, including a public hearing conducted by the City Council. He noted that the Planning Commission unanimously recommended approval of the request at its November 8, 2012 meeting.

Mayor Ham opened the public hearing.

There being no comments from the audience, Mayor Ham declared the public hearing closed.

10. **RESOLUTIONS (cont)**.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-225

c. Agreements and Contracts. Authorize Mayor and/or City Manager to Sign.

(1) Public Safety Department.

(a) Allcomm Wireless, Inc. 911 Equipment Maintenance. Twelve (12) Months. $22,151. Service Agreement.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a service agreement with Allcomm Wireless, Inc. which will provde technical assistance, site response, 24/7 remote equipment diagnostics, and software/firmware support for the City's 911 equipment at a cost of $22,151 for one year.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Norman seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-226

(b) Hixson Consultants, Inc. Building Envelope Consulting Services for Building Enveloper Repairs at the Douglas J. Watson Municipal Complex. $20,845. Professional Services Agreement.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a professional services agreement with Hixson consultants, Inc. to provide building envelope consulting services for Building Envelope repairs at the Douglas J. Watson Municipal complex in the amount of $20,845. The services to be provided include construction documents, bidding services, and services during construction of the project.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-227

10. **RESOLUTIONS (cont)**.

(2) Office of the City Manager. J. A. Lett Construction Co., Inc. City Hall Renovations Project. $272,539. Contract.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with the lowest responsible bidder, J. A. Lett Construction Co., Inc., in the amount of $272,539 for the cost of labor, equipment, and material necessary to complete construction of the City Hall Renovations Project. He noted that the amount includes the base bid plus alternates 1, 2, 3, and 4.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Dulaney seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-228

Councilperson Dowdell asked when renovations were made to City Hall.

City Manager Duggan explained that there have been no major interior renovations since City Hall was established in this building in 2001.

Councilperson Dowdell asked if any renovations are planned at Boykin Community Center.

Mr. Duggan said discussions for renovations normally take place during budget deliberations; however, he will look into whether any work is currently needed at Boykin.

(3) Human Resources Department. Brentwood Services Administrators, Inc. Third Party Administration of City's Self-Insured Workers' Compensation Program. Three Years-$18,400/Year. Professional Services Contract.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a professional services contract with Brentwood Services Administrators, Inc., to provide third party administration of the City's self-insured workers' compensation program at an annual cost of $18,400, which results in a savings of approximately $11,600 over the existing contract.

10. **RESOLUTIONS (cont)**.

Councilperson Dowdell moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-229

(4) Parks & Recreation Department. Stivers Ford Lincoln. One (1) 2013 Ford F350 4x4 Pickup Truck w/Dump Body. $38,000. State Contract.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract to purchase one (1) 2013 Ford F350 4x4 Pickup Truck with additional options for a dump body at a total cost of $38,000. He noted that price and vendor are established by State Contract T191A and Contract #4012410.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-230

d. Parks & Recreation Advisory Board. Two Positions. Four Year Terms Expire November 30, 2016.

City Manager Duggan stated that the recommendation of the Committee of the Whole is the appointment of Kathy Powell and Nancy Bendinger to four-year terms of office on the Parks & Recreation Advisory Board for terms of office beginning December 1, 2012 and expiring November 30, 2016.

Councilperson Dowdell moved that the Resolution be adopted.
Councilperson Kelley seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 12-231

11. **OTHER BUSINESS**.

None.

Mayor Ham asked for comments from Council.

There were no comments from Council.

12. **ADJOURNMENT.**

Councilperson Kelley moved for adjournment.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the meeting adjourned 7:11 PM.

_____
Mayor

ATTEST:

_____
City Manager