The City Council of the City of Auburn, Alabama met in regular session on Tuesday, October 16, 2012 at 7:09 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 Brent Beard, Arthur L. Dowdell, Sr., Gene Dulaney, Sheila Eckman, 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**. October 2, 2012.

Councilperson Dowdell 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 said Assistant City Manager/CIO Jim Buston introduced Information Technology Department – GIS Division Manager Chris Graff who demonstrated the application the division presented at a recent conference to receive the Harvard-Kennedy Bright Ideas Designation from the John F. Kennedy Center at Harvard University. Mr. Graff noted that the Bright Idea was implemented as an innovative way to address a need in the Public Safety Department.

Mayor Ham thanked Mr. Buston and Mr. Graff for the excellent presentation.

5. **MAYOR'S COMMUNICATIONS (cont)**.

f. Announcements.

Mayor Ham announced that Councilman Tom Worden is having surgery. He asked that everyone keep him in their thoughts and prayers.

6. **AUBURN UNIVERSITY COMMUNICATIONS**.

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

7. **CITIZENS' COMMUNICATIONS.**

None.

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

a. Alcoholic Beverage Licenses. Consideration.

(1) 011 – Lounge Retail Liquor – Class II (Package) Licenses.

(a) Young Oil, Inc. dba/Grub Mart 22.
186 North Gay Street.

City Manager Duggan said Young Oil, Inc. dba/Grub Mart 22 is seeking approval for a 011 – Lounge Retail Liquor – Class II (package) alcoholic beverage license for property located at 186 North Gay Street in the Urban Core (UC) zoning district, which permits the package store (commercial and entertainment) use through conditional use approval which was granted by Council on July 24, 2012. He noted that this is a new business that does not currently have an alcoholic beverage license.

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

(b) Lake Martin, Inc. dba/Store 10 Package.
1884-B West Longleaf Drive.

City Manager Duggan stated that Lake Martin, Inc. dba/Store 10 Package is seeking approval for a 011 – Lounge Retail Liquor - Class II (package) alcoholic beverage license for property located at 1884-B West Longleaf Drive.

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

He noted that the business is located in the Comprehensive Development District (CDD) zoning district with an overlay of the Planned Development District (PDD) designation, which permits the package store (commercial and entertainment) use through conditional use approval which was granted by Council on May 17, 2011. He noted that this is a new business that does not currently have an alcoholic beverage license.

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

(2) Darentes, LLC dba/Loco's Grill and Pub. 1120 South College Street. 020 – Restaurant Retail Liquor License. Transfer of Ownership.

City Manager Duggan stated that Darentes, LLC dba/Loco's Grill and Pub is seeking approval for a transfer of a 020 – Restaurant Retail Liquor alcoholic beverage license for property located at 1120 South College Street in the Comprehensive Development District (CDD) zoning district with an overlay of the Planned Development District (PDD) designation, which permits the restaurant (commercial and entertainment) use by conditional use approval which was granted by Council on August 7, 2001. He noted that this is an existing business however this is a transfer of ownership to the new owner of the business.

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

(3) The Hudson Family Foundation, Inc. 250 Beard Eaves Court (Auburn University Arena). Special Event on November 2, 2012. Non-Profit Tax Exempt License.

City Manager Duggan stated that The Hudson Family Foundation is seeking approval for a 240 – Non-Profit Tax Exempt alcoholic beverage license for a special event (concert) to be held November 2, 2012 at 250 Beard Eaves Court (Auburn University Arena). He noted that the property is located on the Auburn University campus in the Holding District (HD) zoning district; and is not subject to the City's zoning regulations.

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

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

b. Announcement of Board Vacancies. Parks & Recreation Advisory Board. Two Vacancies. Four Year Terms Expire November 30, 2016. Appointments at the November 20, 2012 Meeting.

City Manager Duggan announced that two vacancies on the Parks & Recreation Advisory Board will exist on November 30. He noted that the four year terms expire November 30, 2016 and the appointments will be made at the November 20, 2012 meeting.

9. ORDINANCES.

a. Zoning Ordinance. Amendments. Planning Commission Recommendations. Public Hearings Required. Unanimous Consent Necessary.

City Manager Duggan stated this Ordinance is for an amendment to Article IV, General Regulations (specifically, Table 4-1 {Table of Permitted Uses}, of the City of Auburn Zoning Ordinance. He noted that the Planning Commission unanimously recommended approval of the request at its September 13, 2012 meeting. Mr. Duggan said a public hearing is required.

Mayor Ham opened the public hearing.

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

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 Kelley 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: Dulaney, Eckman, Kelley, Norman, Phelan, Beard, Dowdell, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2792

(2) Edgewood Terrace, LLC. Blake Rice (Authorized Representative). Rezone approximately 3.70 acres from Neighborhood Conservation (NC-8) to Development District Housing (DDH); approximately 1.20 acres from Neighborhood Conservation (NC-8) to Redevelopment District (RDD); and approximately 0.96 acres from Redevelopment District (RDD) to Development District Housing (DDH).

City Manager Duggan stated that Blake Rice is requesting to rezone approximately 3.70 acres from Neighborhood Conservation (NC-8) to Development District Housing (DDH), approximately 1.20 acres from Neighborhood Conservation (NC-8) to Redevelopment District (RDD), and approximately 0.96 acres from Redevelopment District (RDD) to Development District Housing (DDH). He said the property is located at 1330 Shug Jordan Parkway aka/Shepherd's Cove and the Planning Commission unanimously recommended approval of the request at its September 13, 2012 meeting. Mr. Duggan said a public hearing is required.

Mayor Ham opened the public hearing.

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

9. **ORDINANCES (cont).**

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

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: Eckman, Kelley, Norman, Phelan, Beard, Dowdell, Dulaney, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2793

b. Commercial Development Agreements. Public Hearings Required. Unanimous Consent Necessary.

(1) Fichtner Family, LLC. University Ace Hardware. 2101 East University Drive.

City Manager Duggan stated that this Ordinance approves a Commercial Development Agreement between the City of Auburn and Fichtner Family, LLC (an Alabama limited liability company), dba/University Ace Hardware, pursuant to the Commercial Development Incentive Program process established by Resolution No. 11-132 adopted at the August 2, 2011 meeting of the City Council.

Mr. Duggan stated that the City of Auburn, in exchange for redevelopment in a key economic corridor of the City and for adding new jobs and a new component to the tax base of the City, will remit to Fichtner Family, LLC, for a period not to exceed ten (10) years, portions of certain sales and use tax to be levied and collected by the City. The maximum amount reimbursable under the agreement is $150,000, not to exceed $15,000 in any one year. He said a public hearing is required.

Mayor Ham declared the public hearing open.

9. **ORDINANCES (cont).**

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

Councilperson Eckman asked if there will be shared access between this building and the movie theater.

City Manager Duggan answered that during the review process this scenario was discussed but cross access will not be allowed.

Councilperson Dulaney asked if the façade of the building will be changed.

Mr. Duggan answered affirmatively.

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

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: Kelley, Norman, Phelan, Beard, Dowdell, Dulaney, Eckman, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2794

9. **ORDINANCES (cont).**

(2) Tiger City Land Investments, LLC. Kia of Auburn.
1687 South College Street.

City Manager Duggan stated that this Ordinance approves a Commercial Development Agreement between the City of Auburn and Tiger City Land Investments, LLC (a Georgia limited liability company), dba/Kia of Auburn, pursuant to the Commercial Development Incentive Program process established by Resolution No. 11-132 adopted at the August 2, 2011 meeting of the City Council.

Mr. Duggan stated that the City of Auburn, in exchange for redevelopment in a key economic corridor of the City and for adding new jobs and a new component to the tax base of the City, will remit to Tiger City Land Investments, LLC, portions of certain sales and use tax to be levied and collected by the City for an amount up to $1,600,000 for a period not to exceed 15 years, whichever comes first. He said a public hearing is required.

Mayor Ham declared the public hearing open.

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

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 Kelley seconded the motion.

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: Norman, Phelan, Beard, Dowdell, Dulaney, Eckman, Kelley, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2795

10. **RESOLUTIONS**.

a. Close City Street. Brenda Avenue. Neighborhood Block Party. October 27, 2012 (11 AM – 8 PM).

City Manager Duggan stated that this Resolution authorizes the temporary closure of Brenda Avenue to vehicular traffic from 11:00 AM to 8:00 PM on Saturday, October 27, 2012 for the purpose of a neighborhood block party.

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. 12-197

b. Casa de Fuega 1 dba/En Fuego. 145 East Magnolia Avenue, Suite CC DD. Outdoor Café Permit. Public Hearing Required.

City Manager Duggan stated that this Resolution requests approval of an Outdoor Café Permit for En Fuego located at 145 East Magnolia Avenue, Suite CC DD. He noted that the property is located in the Urban Core (UC) zoning district with an overlay of the College Edge Overlay District (CEOD) designation. He noted that a public hearing is required.

Mayor Ham declared the public hearing open.

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

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. 12-198

c. Conditional Use Approvals. Planning Commission Recommendations. Public Hearings Required.

(1) Dakota V Properties, LLC. Ledge Nettles (Authorized Representative). Property Located at 2406 Richland Road. Performance Residential Development (Multiple Family Development-The Dakota) in the Comprehensive Development District (CDD) zoning district.

10. **RESOLUTIONS (cont)**.

City Manager Duggan stated that Ledge Nettles is requesting conditional use approval for performance residential development (multiple family development) located in the Comprehensive Development District (CDD) zoning district. He noted that the property is located at 2406 Richland Road (The Dakota). 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 October 11, 2012 meeting subject to conditions noted in its resolution.

Mayor Ham opened the public hearing.

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

Councilperson Eckman asked about the multiple family development designation at this location.

Planning Director Forrest Cotten stated that the development will be similar to a multiple family development; however, it will be a private development.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Phelan seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-199

(2) Ella Reese. LaToya Stewart (Authorized Representative). Property Located at 1288 Shug Jordan Parkway. Commercial and Entertainment Use (Restaurant-Out on the Island) in the Redevelopment District (RDD) zoning district.

City Manager Duggan stated that LaToya Stewart is requesting conditional use approval for a commercial and entertainment use-restaurant (Out on the Island) located in the Redevelopment District (RDD) zoning district. He noted that the property is located at 1288 Shug Jordan Parkway. 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 October 11, 2012 meeting subject to conditions noted in its resolution.

10. **RESOLUTIONS (cont)**.

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. 12-200

(3) Urban Development, LLC. Sean Foote (Authorized Representative). Property Located Along Easton Court in the East Lake Subdivision. Performance Residential Development (Twin House Subdivision-East Lake Twin Homes) in the Limited Development District (LDD) zoning district.

City Manager Duggan stated that Sean Foote is requesting conditional use approval for a performance residential development-twin house subdivision (East Lake Twin Homes) located in the Limited Development District (LDD) zoning district. He noted that the property is located along Easton Court in the East Lake Subdivision, specifically Lots 1 – 8 and Lots 15 – 22. 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 October 11, 2012 meeting subject to the condition noted in its resolution.

Mayor Ham opened the public hearing.

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

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. 12-201

10. **RESOLUTIONS (cont)**.

f. Agreements and Contracts. Authorize Mayor and City Manager to Sign.

(1) Public Safety Department and Auburn City Schools. Provide School Resource Officers and K-9 Unit in the Auburn City School System. Agreement.

City Manager Duggan stated that this Resolution authorizes the Mayor and City Manager to execute an Agreement with the Auburn City School System for the purpose of providing School Resource Officers and a K-9 to be used for drug detection at various schools and school events for the period October 1, 2012 – September 30, 2015.

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. 12-202

(2) Contracts.

(a) Public Works Department. Construction of Addition to Frank Brown Recreation Center. CAM Builders, Inc. $1,155,503.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with the lowest responsible bidder, CAM Builders, Inc., in the amount of $1,555,503 for the cost of labor, equipment, and material necessary to complete construction of the Addition to Frank Brown Recreation Center. He noted that this contract is the total of the base bid plus alternate Nos. 1 and 2.

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. 12-203

(b) Public Safety Department. Fifteen (15) sets of Lion Apparel Turnout Coats and Pants. North America Fire Equipment Company. $23,580.

10. **RESOLUTIONS (cont)**.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract North America Fire Equipment Company for the purchase of fifteen (15) sets of Lion Apparel turnout coats and pants for the Public Safety Department – Fire Division. He noted that the total purchase price for the sets is $23,580.

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. 12-204

(c) Environmental Services Department. Fleet Filter Consignment. General Parts Distribution, LLC, Dba/CARQUEST Auto Parts. $4,169.54.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with the lowest responsible bidder, General Parts Distribution, LLC dba/CARQUEST Auto Parts, in the amount of $4,169.54 for fleet filter consignment. He noted that the contract will be for a one (1) period with an option for up to four (4) one-year renewals for a maximum total of five (5) years.

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. 12-205

e. Grace Ridge, LTD. Property Located on Shelton Mill Road. Drainage and Utility Easement for Water Service. Acceptance.

City Manager Duggan stated that this Resolution accepts a Drainage and Utility Easement granted by Grace Ridge, LTD for water service to Grace Ridge on Shelton Mill Road.

Councilperson Beard moved that the resolution be adopted.
Councilperson Kelley seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-206

10. **RESOLUTIONS (cont).**

f. Boards and Commissions. Appointments.

(1) Tree Commission. Three Positions. Three Year Terms Expiring November 7, 2015.

City Manager Duggan stated that the recommendation of the Committee of the Whole is the re-appointment of Charlene LeBleu and Lori Sewell and the appointment of Edith Jones to three-year terms of office on the Tree Commission beginning November 8, 2012 and expiring November 7, 2015.

Councilperson Kelley moved that the Resolution be adopted.
Councilperson Eckman seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 12-207

(2) Industrial Development Board. Two Positions. Six Year Terms Expiring October 9, 2018.

City Manager Duggan stated that the recommendation of the Committee of the Whole is the re-appointment of Lolly Steiner and the appointment of Dr. Christopher Roberts to six-year terms of office on the Industrial Development Board beginning immediately and expiring October 9, 2018.

Councilperson Kelley moved that the Resolution be adopted.
Councilperson Eckman seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 12-207

11. **OTHER BUSINESS**.

None.

Mayor Ham asked for comments from Council.

Mayor Ham said Councilwoman Eckman has indicated that this will be her final City Council meeting. He thanked her for her service to the Council over the past ten years.

11. **OTHER BUSINESS (cont)**.

Councilperson Eckman asked several questions and made several suggestions for Council to consider in the future.

Councilwoman Eckman asked Public Works Director/City Engineer Jeff Ramsey if the traffic light on College Street at Mitcham Avenue can be relocated College Street and Bragg Avenue.

Mr. Ramsey explained that this suggestion has been reviewed previously; however, a final decision has not been made to move the traffic light at this time.

Councilwoman Eckman suggested to Council that the City Council should consider a salary increase prior to the next municipal election. She said many young entrepreneurs might be willing to serve; however, the pay is lower than in other cities of Auburn's size.

City Manager Duggan noted that this was researched a few years ago and presented to the City Council for information.

Councilman Dowdell requested that the research be accomplished again to see how Auburn currently stands among cities its size.

Councilperson Eckman said the City Council should find a way to assist the Historic Preservation Commission in its mission to designate another historic district within the City. She said they are discouraged and Council direction is needed to get the Commission working again. She suggested getting a status report from the Commission to see where they are and if the Council is still interested in pursuing the idea of future historic districts. She also noted that signs are not posted at present for the current historic district.

Mayor Ham said the Council has to determine if it is willing to require property owners to be a part of an historic district even if they are not inclined to participate.

Councilwoman Eckman said it has been a great ten (10) years that she has been privileged to serve on the City Council and she looks forward to beginning her service on the Lee County Commission.

Councilperson Dowdell asked if anyone has come forward from Ward 2 to assume the vacancy.

11. **OTHER BUSINESS (cont).**

Mayor Ham said he has had several inquiries; however, no formal requests have been presented to the Council.

Mayor Ham thanked Councilwoman Eckman for her ten (10) years of service to the applause of the audience.

12. **ADJOURNMENT.**

Councilperson Dowdell moved for adjournment.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the meeting adjourned 7:34 PM.

_____
Mayor

ATTEST:

_____
City Manager