The City Council of the City of Auburn, Alabama met in regular session on Tuesday, November 6, 2012 at 7:07 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, 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 16, 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.

Mayor Ham asked everyone to keep Councilperson Tom Worden in their thoughts and prayers as he continues his recuperation from a recent surgery.

a. Employee of the Month.
Greg Brewer.
Public Safety Department – Fire Division.

Mayor Ham read a memorandum from Public Safety Director Bill James to City Manager Charles M. Duggan, Jr. nominating Greg Brewer as Employee of the Month for November 2012 for his outstanding performance as a Firefighter in the Public Safety Department – Fire Division. (A copy of the entire memorandum is attached to the minutes).

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

Mayor Ham presented Firefighter Brewer with a framed Employee of the Month certificate and a small gift from the Council. He thanked him for his service to the citizens of this community and for his hard work and dedication to the City of Auburn.

b. Service Pins and Plaques.

(1) Fifteen (15) Years.
Parks & Recreation Department.

(a) Renea Nettles.

(b) Margaret Wimberly.

Mayor Ham presented fifteen year service pins to Renea Nettles and Margaret Wimberly of the Parks & Recreation Department.

(2) Twenty (20) Years.
Public Safety Department – Police Division.

(a) Cody Hill.

(b) Will Mathews.

(c) Scott Mingus.

Mayor Ham presented twenty year service pins and commemorative plaques to Cody Hill, Will Mathews and Scott Mingus of the Public Safety Department – Police Division.

(3) Twenty-five (25) Years.
Bill James
Public Safety Department – Administration Division.

Mayor Ham presented a twenty-five year service pin and commemorative plaque to Bill James of the Public Safety Department – Administration Division.

Mayor Ham thanked all employees for their dedicated service to the citizens of Auburn.

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

c. Presentation to Retiring Employees.

(1) Andre Richardson. Environmental Services Department – Recycling Division.

Mayor Ham presented Andre Richardson with a commemorative obelisk upon his retirement from the Environmental Services Department – Recycling Division after 25 years of service.

(2) Margie Huffman. Auburn Public Library.

Mayor Ham presented Margie Huffman with a commemorative obelisk upon her retirement from the Auburn Public Library as Library Director after 41 years of service.

(3) Horace Clanton. Public Safety Department – Fire Division.

Mayor Ham presented Horace Clanton with a commemorative obelisk upon his retirement from the Public Safety Department – Fire Division after 30 years of service.

d. 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. The Committee recommended the appointment of Ron Anders, Jr. to the vacant position on the City Council. He noted that the appointment will be made at the proper time on the regular agenda.

e. Announcements.

None.

6. **AUBURN UNIVERSITY COMMUNICATIONS**.

SGA Director of City Relations Clay Phillips announced that the Toomer's Ten Bus route update has been completed and will be presented to Council in the near future.

7. **CITIZENS' COMMUNICATIONS.**

None.

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

City Manager Duggan thanked the members of the Public Safety Department for the job they did in assisting with parking at the polling places from 7:00 am to 7:00 pm today. He said Lee County Election Manager Butch Brock was very appreciative of the assistance provided.

Mayor Ham said record-breaking numbers will be recorded for this election. He thanked everyone for any and all assistance provided.

a. Alcoholic Beverage Licenses. Consideration.

(1) 020 – Restaurant Retail Liquor Licenses.

(a) Apple Bama, LLC dba/Applebees Neighborhood Grill and Bar. 1627 Opelika Road.

City Manager Duggan stated that Apple Bama, LLC dba/Applebees Neighborhood Grill and Bar is seeking approval for a transfer of a 020 – Restaurant Retail Liquor alcoholic beverage license for property located at 1627 Opelika Road in the Commercial Conservation (CC) zoning district, which permits the restaurant (commercial and entertainment) use. He noted that this is an existing business and this license transfers ownership of the license from the former owners to the new owners of the business.

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

(b) KMB F, LLC dba/Johnny Brusco's of East University. 2408 East University Drive.

City Manager Duggan stated that KMB F, LLC dba/Johnny Brusco's of East University is seeking approval for a transfer of a 020 – Restaurant Retail Liquor alcoholic beverage license for property located at 2408 East University Drive in the Comprehensive Development District (CDD) zoning district, which permits the restaurant (commercial and entertainment) use.

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

He noted that this is an existing business and this license transfers ownership of the license from the former owner to the new owners of the business.

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. Announcement of Board Vacancies. Appointments at the December 4, 2012 meeting.

(1) Water Works Board. Resignation. Unexpired Term Ends June 21, 2014.

(2) Public Park & Recreation Board. One Vacancy. Six Year Term Expires December 18, 2018.

City Manager Duggan announced that one vacancy on the Water Works Board exists due to the resignation of Dr. Tony Overfelt. He said the unexpired term ends June 21, 2014. One vacancy exists on the Public Park & Recreation Board and the six year term expires December 18, 2018. He noted that the appointments will be on the December 4, 2012 agenda.

9. **ORDINANCES.**

a. General Obligation Warrant. SunTrust Equipment Finance and Leasing Corporation. $5,525,000. Construction of Auburn Technology Parkway.

City Manager Duggan stated that this Ordinance authorizes the issuance of a General Obligation Warrant to SunTrust Equipment Finance & Leasing Corporation securing the borrowing of $5,525,000 for a period of 10 years at a rate of 1.72%. He noted that the proceeds of the warrant will be used to construct Auburn Technology Parkway.

Councilmember Dowdell introduced the following Ordinance.
City Manager Duggan read the Ordinance by Title.

9. **ORDINANCES (cont).**

ORDINANCE NO. 2796

AN ORDINANCE TO ISSUE ONE GENERAL OBLIGATION CAPITAL IMPROVEMENT WARRANT SERIES 2012-D IN THE PRINCIPAL AMOUNT OF $5,525,000

Councilmember Dowdell moved that unanimous consent be given for immediate consideration of an action on said ordinance, which motion was seconded by Councilmember Beard and, upon the said motion being put to vote, the following vote was recorded:

Yeas:	Nays:
Councilmember Beard	None.
Councilmember Dowdell	
Councilmember Dulaney	
Councilmember Kelley	
Councilmember Norman	
Councilmember Phelan	
Councilmember Beard	
Mayor Bill Ham, Jr.	

The Chairman thereupon declared that the motion for unanimous consent for immediate consideration of and action on said ordinance was unanimously carried. Councilmember Dowdell thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Beard and, upon the said motion being put to vote, the following vote was recorded:

Yeas:	Nays:
Councilmember Dowdell	None.
Councilmember Dulaney	
Councilmember Kelley	
Councilmember Norman	
Councilmember Phelan	
Councilmember Beard	
Mayor Bill Ham, Jr.	

9. **ORDINANCES (cont).**

The Chairman thereupon announced that the motion for adoption of said ordinance had been carried.
ORDINANCE NO. 2796

b. Veolia Water North America Operating Services, LLC. fka/U. S. Filter Operating Services, Inc. Restated Service Agreement. Amendment Three.

City Manager Duggan stated that this Ordinance authorizes an amendment to the Amended and Restated Service Agreement with Veolia Water North America Operating Services, LLC. He noted that the amendment with Veolia clarifies certain defined terms and limits the extent by which the management fee can be increased or decreased.

Councilmember 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 Kelly 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: Dowdell, Dulaney, Kelley, Norman, Phelan, Beard, and Mayor Ham. Voting nay: None. Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2797

10. **RESOLUTIONS**.

a. Councilperson Sheila Eckman. Appreciation for City Council Service. October 6, 2002 – October 16, 2012.

City Manager Duggan stated that this Resolution recognizes retiring Councilperson Sheila Eckman for serving the citizens of Auburn as a member of the City Council from October 6, 2002 – October 16, 2012.

10. **RESOLUTIONS (cont)**.

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. 12-208

b. Change Date and Time of City Council Meetings. January 1, 2013 to January 8, 2013 and January 15, 2013 to January 22, 2013.

City Manager Duggan stated that this Resolution changes the date of the first City Council meeting in January 2013 from Tuesday, January 1 to Tuesday, January 8, 2013 and the second City Council meeting in January 2013 from Tuesday, January 15 to Tuesday, January 22, 2013.

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. 12-209

c. Close City Streets. Auburn Chamber of Commerce. Auburn Christmas Parade. Saturday, December 15, 2013.

City Manager Duggan stated that this Resolution authorizes the closing of College Street from Thach Avenue to Glenn Avenue, Glenn Avenue from College Street to Gay Street, Gay Street from Glenn Avenue to Thach Avenue, and Thach Avenue from Gay Street to College Street for the Auburn Christmas Parade on Saturday, December 15, 2012. The time will be determined at a a later date.

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. 12-210

d. City Council Member. Ward 2. Seat Vacated by Sheila Eckman. Appointment.

City Manager Duggan stated that this Resolution appoints Ron Anders, Jr. to fill the vacant Ward Two seat on the City Council. He noted that the term begins November 7, 2012 and ends November 3, 2014.

10. **RESOLUTIONS (cont)**.

Councilperson Dulaney moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-211

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

(1) Public Works Department. Beehive Construction LLC. Demolition of Building at 113 North Gay Street and AuburnBank Super 6. $28,000. Contract.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with Beehive Construction LLC in the amount of $28,000 for the cost of labor, equipment, and material necessary to complete the demolition of the yellow building located at 113 North Gay Street and the former AuburnBank Super 6.

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. 12-212

Councilperson Dulaney asked about the timeframe for getting the project started.

Public Works Director/City Engineer Jeff Ramsey said the project will begin the Monday after Thanksgiving.

(2) Environmental Services Department. Lee County Humane Society, Inc. Animal Control Services. FY 2013 - $103,289; and FY2014 – to be negotiated. Contract.

City Manager Duggan stated that this Resolution authorizes the Mayor and City Manager to execute a two-year contract with the Lee County Humane Society, Inc. for the housing, tending, administering, and disposing of stray and unwanted animals originating within the City of Auburn. He noted that the contract is in the amount of $103,289.00 for FY2013 and an amount to be negotiated for FY2014 based on the City's pro-rata share of animals submitted to the Humane Society.

10. **RESOLUTIONS (cont)**.

Councilperson Dulaney moved that the resolution be adopted.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-213

(3) Water Resource Management Department. ADS Environmental Services. Northside Basin 5 Sewer System Evaluation Survey. $52,489.90. Agreement.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a professional services agreement with ADS Environmental Services (ADS) to perform a Sewer System Evaluation Survey (SSES) in Northside Basin 5 in the amount of $52,489.90.

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. 12-214

f. Right of Way Vacation. Carroll Timber & Land LLP. Vacate Alley between Lot 5 and Lot 6, Edwards Court Subdivision. Property Located off South College Street. Authorize Mayor and City Manager to Execute Quit Claim Deed. Public Hearing Required.

City Manager Duggan stated that this Resolution assents to the vacation of the alley between Lot 5 and Lot 6 of Edwards Court Subdivision and authorizes the Mayor and City Manager to execute a quit-claim deed relinquishing the property to Carroll Timber & Land LLP. He noted that a public hearing is required in order to vacate City right-of-way.

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. 12-215

10. **RESOLUTIONS (cont).**

g. Drainage and Utility Easements, Sidewalk, Landscaping, and Drainage and Utility Easement, Temporary Construction Easement, and Warranty Deeds. Payment for Value Lost. Acceptance.

(1) Circa Development, LLC. Circa Subdivision. Property Located at the Terminus of Cedar Crest Circle. Drainage and Utility Easements.

City Manager Duggan stated that this Resolution accepts various drainage and utility easements from Circa Development, LLC. as shown on the plat, Circa Subdivision, located at the terminus of Cedar Crest Circle.

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. 12-216

(2) Carroll Timber & Land LLP. Lot 5 and Lot 6, Edwards Court Subdivision. Property Located off South College Street. Sidewalk, Landscaping, and Drainage and Utility Easement.

City Manager Duggan stated that this Resolution accepts a sidewalk, landscaping, and drainage and utility easement from Carroll Timber & Land LLP for Lot 5 and Lot 6 of Edwards Court Subdivision.

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. 12-217

(3) Ruth B. Williamson. Property Located at 351 Denson Drive. Samford Avenue and Denson Drive Intersection Improvements Project. Temporary Construction Easement.

City Manager Duggan stated that this Resolution accepts a temporary construction easement from Ruth B. Williamson for the Samford Avenue and Denson Drive Intersection Improvements Project.

10. **RESOLUTIONS (cont).**

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. 12-218

(4) Auburn Technology Park West. Auburn Technology Parkway Construction. Cox Road to Riley Street. Warranty Deeds and Payments for Value Lost.

(a) Maynard and Shirley Hamrick. 2071 Fieldview Drive. Payment of $4,200 for Value Lost.

City Manager Duggan stated that this Resolution accepts a Warranty Deed from Maynard and Shirley Hamrick to be used as right-of-way to construct Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West and to compensate Maynard and Shirley Hamrick in the amount of $4,200 for value lost.

Councilperson Dulaney moved that the resolution be adopted.
Councilperson Phelan seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-219

(b) Michael and Laura Thomas. Lots 1 and 2, Carter-Cox subdivision. Thistle Land and Cox Road. Payment of $4,500 for Value Lost.

City Manager Duggan stated that this Resolution accepts a Warranty Deed from Michael and Laura Thomas to be used as right-of-way to construct Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West and to compensate Michael and Laura Thomas in the amount of $4,500 for value lost.

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. 12-220

10. **RESOLUTIONS (cont).**

(c) Byron B. Williams III and Claude R. Williams.

(1) 3.65 Acres. Payment of $324,900 for Value Lost and $14,000 for current value of sewer access fee.

City Manager Duggan stated that this Resolution accepts a Warranty Deed for 3.64 acres from Byron B. Williams III and Claude R. Williams to be used as right-of-way to construct Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West and to compensate Byron B. Williams and Claude R. Williams $324,900 for value lost and $14,400 for the current value of the sewer access fees. (This payment does not constitute a waiver or prepayment of any access fees for this property).

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. 12-221

(2) 3.00 Acres. Payment of $45,000 for Value Lost.

City Manager Duggan stated that this Resolution accepts a Warranty Deed for 3.00 acres from Byron B. Williams III and Claude R. Williams to be used as right-of-way to construct Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West and to compensate Byron B. Williams and Claude R. Williams $45,000 for value lost.

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. 12-222

11. **OTHER BUSINESS**.

None.

Mayor Ham asked for comments from Council.

There were no comments from Council.

12. **ADJOURNMENT.**

There being no further business to come before the meeting, the same was on motion duly made by Councilperson Kelley, seconded by Councilperson Beard, and unanimously carried.
Mayor Ham declared the meeting adjourned at 7:38 PM.

_____
Mayor

ATTEST:

_____
City Manager