

The City Council of the City of Auburn, Alabama met in regular session on Tuesday, January 14, 2014 at 7:08 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 Arthur L. Dowdell, Sr., Ron Anders, Jr., Brent Beard, Gene Dulaney, Robin Kelley, Bob Norman, Dick Phelan, and Mayor Bill Ham, Jr. Also present was City Manager Charles M. Duggan, Jr.

Absent: 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.** December 17, 2013.

Councilperson Phelan moved that the minutes be approved.

Councilperson Dowdell seconded the motion and all members voted aye.

Mayor Ham declared the minutes approved.

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

- a. Employee of the Month.
Bryan Wood.
Public Works Department – Engineering Division.

Mayor Ham read a memorandum from Public Works Director Jeff Ramsey nominating Bryan Wood as Employee of the Month for January 2014 for his outstanding performance as Engineering Division Project Manager. Mayor Ham presented Mr. Wood with a framed Employee of the Month certificate and a small gift from the Council. He thanked him for his hard work and dedication to the citizens of Auburn.

- b. Service Pins and Plaques.
 - (1) Amanda Queen.
Public Safety Department- Communications Division.
5 Years.
 - (2) Dale Knowlton.
Public Safety Department- Police Division.
5 Years.
 - (3) John Bourda.
Public Works Department.
15 Years.
 - (4) Michael Roberson.
Public Safety Department- Police Division.
20 Years.

Mayor Ham presented 5 - year service pins to Amanda Queen and Dale Knowlton of the Public Safety Department; a 15 – year service pin to John Bourda of the Public Works Department. He noted that Michael Roberson of the Public Safety Department – Police Division was unable to attend to receive a 20 – year service pin and plaque. Mayor Ham thanked all employees for their hard work and dedication to the citizens of Auburn.

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

- c. Achievement Award. Finance Department and Machen, McChesney & Chastain, CPA. Certificate of Achievement for Excellence in Financial Reporting for the 2012 Comprehensive Annual Financial Report (CAFR).

Mayor Ham recognized Finance Director Penny Smith and City Staff for being awarded a Certificate of Achievement for Excellence in Financial Reporting for the 2012 Comprehensive Annual Financial Report (CAFR). He noted that the City has been awarded the Certificate of Achievement for 26 consecutive years.

- 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 December 17, 2013 Committee of the Whole meeting and made nominations to the Board of Zoning Adjustment and the Water Works Board.

- e. Announcements.

6. **AUBURN UNIVERSITY COMMUNICATIONS.**

Auburn University SGA Director of Political Affairs Savannah Silver said Aubie is competing for the Mascot National Championship.

She also mentioned that the downtown tiger paw will be repainted on February 6, 2014.

7. **CITIZENS' COMMUNICATIONS.**

The following individuals addressed the City Council with concerns about an incident involving the Public Safety Police Division and Rico Cobb:

- Elois Cobb
(Address not given)
Auburn, AL
- Larry Taylor
311 Williams Street
Auburn, AL
- Rico Cobb
1366 Kurt Circle
Auburn, AL
- Donald Meniffee
637 Pitts Street
Auburn, AL

Elizabeth McCray, 830 North Donahue Drive, Apt. 48, proposed that the Council designate any available land and money for the homeless in the community.

The following individuals addressed the City Council with concerns about drainage issues in the Cotswolds neighborhood:

- Tony Jones
676 Sudeley Court
Auburn, AL
- John Murphy
664 Banbury Street
Auburn, AL

7. **CITIZENS' COMMUNICATIONS (cont).**

- Rhett Dean
2592 Weston Street
Auburn, AL

Herman Humphries, address inaudible, petitioned the Council for CDBG funds to create a credit union and funeral home in the City.

Peter Wahl, address not given, addressed the Council on behalf of McPhillips & Shinbaum Attorneys about the promotional practices of the Auburn Fire Division.

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

a. Alcoholic Beverage Licenses.

- (1) Jim N Nicks Auburn, LLC d/b/a Jim N Nicks Bar B Q. 020 – Restaurant Retail Liquor alcohol beverage license. 1920 South College Street.

City Manager Duggan said Jim N Nicks, LLC d/b/a Jim N Nicks Bar B Q is seeking approval for a 020 – Restaurant Retail Liquor alcoholic beverage license.

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

- (2) The Hudson Family Foundation. 240 – Non-Profit Tax Exempt alcoholic beverage license. Special Event (concert) January 23 – 24, 2014. 250 Beard Eaves Court (Auburn Arena).

City Manager Duggan said The Hudson Family Foundation is seeking approval for a 240 – Non-Profit Tax Exempt alcoholic beverage license.

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

9. **ORDINANCES.**

- a. City Code. Amend Ordinance 2096. Door-to-Door Solicitation. Unanimous Consent Necessary.

City Manager Duggan said this ordinance amends the regulations applied to door-to-door solicitation in the City.

Councilperson Phelan asked if an outright prohibition on door-to-door solicitation is a violation of the First Amendment and if charities will be allowed to go door-to-door under the new regulations.

City Manager answered affirmatively to both questions.

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 Kelley seconded the motion.

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

9. **ORDINANCES (cont).**

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, Anders, Beard, Dulaney, Norman, Kelley, Phelan, and Mayor Ham. Voting nay: None.

Mayor Ham declared the ordinance adopted.

ORDINANCE NO. 2855

b. Annexations. Unanimous Consent Necessary.

- (1) Dennis Franklin and Randy Franklin. Property located east of South College Street and south of Mt. Vernon Baptist Church. Approximately 2.27 Acres.

City Manager Duggan said this ordinance annexes 2.27 acres into the City limits.

Mayor Ham commented that this item had been tabled at a previous meeting and asked if there was any additional information.

City Manager Duggan answered that the school board previously allowed students residing at properties with pending annexations to enroll in the school system. He noted that the school system no longer allows this practice.

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 Phelan 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, Beard, Dulaney, Norman, Phelan, and Mayor Ham. Voting nay: Anders and Kelley.

Mayor Ham declared the ordinance adopted.

ORDINANCE NO. 2856

- (2) Trace and Cassandra Hamiter. Property located at 1300 Lee Road 90 (Morris Drive). Approximately 1.67 Acres.

City Manager Duggan said this ordinance annexes 1.67 acres into the City limits.

Councilperson Norman asked if there were kids enrolled in the school system living at this location.

City Manager Duggan answered affirmatively.

Councilperson Beard said the Council should address the problems of overcrowding in the school system before it considers any more annexations.

Councilperson Norman introduced the ordinance.

City Manager Duggan read the ordinance by title.

Councilperson Norman moved that unanimous consent be granted to consider the ordinance.

Councilperson Phelan seconded the motion.

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

9. **ORDINANCES (cont).**

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, Beard, Dulaney, Norman, Phelan, and Mayor Ham. Voting nay: Anders and Kelley.

Mayor Ham declared the ordinance adopted.

ORDINANCE NO. 2857

- c. Zoning Ordinance. Planning Commission Recommendations. Public Hearings Required. Unanimous Consent Necessary.

(1) Auburn Partners, LLC. Robert Ham (Authorized Representative).

- (a) Rezone approximately 2.24 acres from Development District Housing (DDH) to Comprehensive Development District (CDD). Property located at 2510 East Glenn Avenue.

City Manager Duggan said this ordinance requests to rezone approximately 2.24 acres zoned Development District Housing (DDH) to Comprehensive Development District (CDD) for property located at 2510 East Glenn Avenue. He noted that a public hearing was required.

Mayor Ham opened the public hearing.

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

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 Dowdell 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, Anders, Beard, Dulaney, Norman, Kelley, Phelan, and Mayor Ham. Voting nay: None.

Mayor Ham declared the ordinance adopted.

ORDINANCE NO. 2858

- (b) Rezone approximately 1 acre from Neighborhood Conservation (NC-15) to Comprehensive Development District (CDD). Property located at 2520 and 2530 Indian Hill Road.

City Manager Duggan said this ordinance requests to rezone approximately 1 acre zoned Neighborhood Conservation (NC-15) to Comprehensive Development District (CDD) for property located at 2520 and 2530 Indian Hill Road. He noted that a public hearing was required.

Mayor Ham opened the public hearing.

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

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 Beard 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: Dowdell, Anders, Beard, Dulaney, Norman, Kelley, Phelan, and Mayor Ham. Voting nay: None.

Mayor Ham declared the ordinance adopted.

ORDINANCE NO. 2859

10. **RESOLUTIONS.**

- a. Conditional Use Approvals. Planning Commission Recommendations. Public Hearings Required.

- (1) Matthew Ahern. Property located at 2510 East Glenn Avenue. Commercial and Entertainment Use (hotel) in the Comprehensive Development District (CDD) zoning district.

City Manager Duggan said Matthew Ahern requests conditional use approval for a commercial and entertainment use (hotel) located in the Comprehensive Development District (CDD) zoning district for property located at 2510 East Glenn Avenue. He noted that a public hearing was required.

Mayor Ham opened the public hearing.

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

Councilperson Dowdell moved that the resolution be adopted.

Councilperson Norman seconded the motion and the following members voted aye: Anders, Dowdell, Dulaney, Kelley, Norman, Phelan, and Mayor Ham. Voting nay: Beard.

Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-01

- (2) Darrell Lamb. Property located at 1930 South College Street. Expansion of existing Road Service Use (Express Oil) in the Comprehensive Development District (CDD) zoning district.

City Manager Duggan said Darrell Lamb requests conditional use approval for an expansion of an existing road service use (Express Oil) located in the Comprehensive Development District (CDD) zoning district for property located at 1930 South College Street. He noted that a public hearing was required.

Mayor Ham opened the public hearing.

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

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. 14-02

- b. Economic Development Department. Satisfy Mortgage Lien on Property located at 721 Ellis Street. Up to \$75,000 in repaid UDAG Funds. AuburnBank.

City Manager Duggan said this resolution authorizes the City of Auburn to utilize up to \$75,000 in repaid Urban Development Action Grant (UDAG) funds to satisfy a mortgage lien indebted to AuburnBank for property located at 721 Ellis Street.

10. **RESOLUTIONS (cont).**

Councilperson Dowdell moved that the resolution be adopted.

Councilperson Anders seconded the motion and the following members voted aye: Anders, Beard, Dowdell, Kelley, Norman, Phelan, and Mayor Ham. Abstaining: Dulaney.

Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-03

- c. Concurrence. Industrial Development Board. Refinance Property located at 354 Industry Drive.

City Manager Duggan said this resolution is a concurrence with the Industrial Development Board's decision to refinance the property located at 354 Industry Drive.

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. 14-04

- d. Contracts and Agreements. Authorize City Manager to Sign.
 - (1) Water Resource Management Department. CH2M Hill Engineers, Inc. Standard Master Agreement for Professional Services.

City Manager Duggan said this resolution authorizes the City Manager to execute a standard master agreement for professional services with CH2M Hill Engineers, Inc.

Councilperson Phelan moved that the resolution be adopted.

Councilperson Kelley seconded the motion and all members voted aye.

Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-05

- (2) Environmental Services Department. Ingram Equipment Company, LLC. Purchase one (1) 2014 Kenworth T370 chassis with Heil DP5000-20 packer. \$187,257.58. National Joint Power Alliance Contract Number 060612-ESG.

City Manager Duggan said this resolution authorizes the City Manager to execute a contract with Ingram Equipment Company, LLC for the purchase of one (1) 2014 Kenworth T370 chassis with Heil DP5000-20 packer. He noted that the purchase price and vendor are established per National Joint Power Alliance Contract Number 060612-ESG.

Councilperson Dowdell moved that the resolution be adopted.

Councilperson Anders seconded the motion and all members voted aye.

Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-06

- (3) Information Technology Department. ESRI Inc. Renewal of three year Enterprise License Agreement. \$37,100 per year.

City Manager Duggan said this resolution authorizes the City Manager to execute a contract renewing an enterprise license agreement with ESRI Inc.

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. 14-07

- (4) Public Safety Department. Meggitt Training Systems Inc. Purchase a Firearms Training Simulation System. \$42,324.

10. **RESOLUTIONS (cont).**

City Manager Duggan said this resolution authorizes the City Manager to execute a contract with Meggitt Training Systems Inc. for the purchase of a Firearms Training Simulation System.

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. 14-08

- e. Drainage and Utility Easements and Rights-of-Way. Donahue Land, LLC. Donahue Ridge, Phase 2A. Property Located off of North Donahue Drive, east of Camden Ridge Subdivision, 1st Addition, and south of Donahue Ridge Subdivision, Phase 1. Vacation and Acceptance.

City Manager Duggan said this resolution vacates and accepts various drainage and utility easements and accepts various rights-of-way from Donahue Land, LLC for Donahue Ridge, Phase 2A.

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. 14-09

- f. Sidewalk Easements and Temporary Construction Easements. Opelika Road and East University Drive Intersection Improvements Project. Acceptance.

(1) Harry A. Jockisch. 1470 Opelika Road.

City Manager Duggan said this resolution accepts a temporary construction easement from Harry A. Jockisch for the Opelika Road and East University Drive Intersection Improvements Project.

Councilperson Beard moved that the resolution be adopted.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-10

(2) State of Alabama, State Insurance Fund. 1498 Opelika Road.

City Manager Duggan said this resolution accepts a sidewalk easement and temporary construction easement from the State of Alabama, State Insurance Fund for the Opelika Road and East University Drive Intersection Improvements Project.

Councilperson Anders moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-11

(3) Flints Crossing, LLC. 1550 Opelika Road.

City Manager Duggan said this resolution accepts a sidewalk easement and temporary construction easement from the Flints Crossing, LLC for the Opelika Road and East University Drive Intersection Improvements Project.

Councilperson Anders moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-12

10. **RESOLUTIONS (cont).**

g. Board Appointments.

- (1) Board of Zoning Adjustment. Three (3) Vacancies). One (1) Regular Member and Two (2) Supernumerary Members. Terms Begin January 21, 2014 and End January 20, 2017.

City Manager Duggan said this resolution appoints Jay Jennings a regular member, Paul West Supernumerary #1 and Drew Goodner Supernumerary #2 to the board of Zoning Adjustment for terms of office beginning January 21, 2014 and ending January 20, 2017.

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. 14-13

- (2) Water Works Board. One (1) Vacancy. Term Begins January 20, 2014 and Ends January 19, 2020.

City Manager Duggan said this resolution appoints David Mines to the Water Works Board for a term of office beginning January 20, 2014 and ending January 19, 2020.

Councilperson Norman moved that the resolution be adopted.

Councilperson Kelley seconded the motion and all members voted aye.

Mayor Ham declared the resolution adopted.

RESOLUTION NO. 14-14

11. **OTHER BUSINESS.**

- a. Sales Tax Holiday. Severe Weather Preparedness. February 21, 2014 – February 23, 2014.

City Manager Duggan said this ordinance authorizes the Severe Weather Preparedness Sales Tax Holiday.

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 Dowdell 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, Anders, Beard, Dulaney, Norman, Kelley, Phelan, and Mayor Ham. Voting nay: None.

Mayor Ham declared the ordinance adopted.

ORDINANCE NO. 2860

12. **ADJOURNMENT.**

Councilperson Norman moved that the meeting be adjourned.
Councilperson Kelley seconded the motion and all members voted aye.
The meeting was adjourned at 8:40 PM.

Mayor

ATTEST:

City Manager