The City Council of the City of Auburn, Alabama met in regular session on Tuesday, May 20, 2014 at 7:13 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, Tom Worden and Mayor Bill Ham, Jr. Also present was City Manager Charles M. Duggan, Jr. Absent: None.

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**. May 6, 2014.

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

Councilperson Kelley entered the meeting at 7:14 PM.

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

a. Briggs & Stratton Corporation. 2014 July 4th Celebration. Presentation of Sponsorship. $10,000.

Briggs & Stratton Human Resources Manager Cisco King presented a sponsorship check to Mayor Ham for the 2014 July 4th Celebration event.

b. 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 May 6, 2014 Committee of the Whole meeting, saw a presentation on the citizen survey, and nominated Tracie West for reappointment to the Board of Education.

c. Announcements.

None.

6. **AUBURN UNIVERSITY COMMUNICATIONS.**

None.

7. **CITIZENS' COMMUNICATIONS**.

None.

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

a. Board Announcement. Water Works Board. One Vacancy. Term expires June 21, 2020. Appointment June 17, 2014.

City Manager Duggan announced one vacancy on the Water Works Board. He said the appointment will be made at the June 17, 2014 City Council Meeting.

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

b. Alcohol License Application. Pho Lee, Inc. d/b/a Pho Lee. 040 – Retail Beer (On or Off Premises) alcohol license application. Property located at 756 East Glenn Avenue.

City Manager Duggan said Pho Lee is seeking approval for a 040 – Retail Beer (On or Off Premises) alcohol license.

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

9. **ORDINANCES**.

a. Sales Tax Holiday. Exempt certain items from City Sales Tax. Friday, August 1 - Sunday, August 3, 2014. Unanimous consent necessary.

City Manager Duggan said this ordinance approves the City's participation in the 2014 "Back to School" sales tax holiday.

Councilperson Beard introduced the ordinance.
City Manager Duggan read the ordinance by title.
Councilperson Beard moved that unanimous consent be grated 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: Anders, Beard, Dowdell, Dulaney, Kelley, Norman, Phelan, Worden, and Mayor Ham. Voting nay: None.
ORDINANCE NO. 2870

b. Zoning Ordinance. Planning Commission recommendation. Public Hearing Required. Unanimous consent necessary. Fred and Catherine Adams and Sarah Adams. Spring Lake Rezoning. Apply Planned Development District (PDD) designation to approximately 28.76 acres zoned Comprehensive Development District (CDD). Property located at 2560, 2568, and 2600 East Glenn Avenue.

City Manager Duggan said Lee Alice Johnson requests to apply the Planned Development District (PDD) designation to approximately 28.76 acres zoned Comprehensive Development District (CDD).

Councilperson Dulaney introduced the ordinance.
City Manager Duggan read the ordinance by title.
Councilperson Dulaney moved that unanimous consent be grated to consider the ordinance.
Councilperson Norman 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.

9. **ORDINANCES (cont)**.

Upon roll call vote, the following Council members voted aye: Dowdell, Dulaney, and Norman. Abstaining: Anders. Voting nay: Beard, Kelley, Phelan, Worden and Mayor Ham.
Mayor Ham declared the ordinance denied.

c. Annexation. Joe R. Robertson, Sr. and Joe R. Robertson, Jr. Property located on Alabama Highway 147 North, north of Ensminger Road. Approximately 1.6 acres. Planning Commission recommendation. Unanimous consent necessary.

City Manager Duggan said Joe R. Robertson, Sr. and Joe R. Robertson, Jr. request annexation of approximately 1.6 acres located on Alabama Highway 147 North, north of Ensminger Road.

Councilperson Phelan introduced the ordinance.
City Manager Duggan read the ordinance by title.
Councilperson Phelan moved that unanimous consent be grated 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 and Worden. Voting nay: Anders, Beard, Dulaney, Kelley, Norman, Phelan, Worden and Mayor Ham.
Mayor Ham declared the ordinance denied.

10. **RESOLUTIONS**.

a. Authorize legal action to collect delinquent taxes and occupational license fees.

(1) The Best Western University Convention Center d/b/a The Clarion. 1577 South College Street.

City Manager Duggan said this resolution authorizes legal action against The Best Western University Convention Center d/b/a The Clarion to obtain payment of delinquent taxes.

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. 14-96

(2) United Auto Collision, Inc. 615 Opelika Road.

City Manager Duggan said this resolution authorizes legal action against United Auto Collision, Inc. to obtain payment of delinquent taxes.

Councilperson Beard moved that the resolution be adopted.
Councilperson Phelan seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-97

(3) Veereka Food Solutions d/b/a Checkers of Auburn. 206 North Gay Street.

City Manager Duggan said this resolution authorizes legal action against Veereka Food Solutions d/b/a Checkers of Auburn to obtain payment of delinquent taxes.

10. **RESOLUTIONS (cont)**.

Councilperson Dowdell moved that the resolution be adopted.
Councilperson Norman seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-98

b. Demolition. Fixing costs. Public hearings required.

(1) 1069 Railroad Avenue.

City Manager Duggan said this resolution fixes the cost for demolition of property located at 1069 Railroad Avenue. He noted that a public hearing was required.

Mayor Ham opened the public hearing.

Lakeisha King, 501 Heywood Street, asked the council to wait on taking action on this item until she resolves property issues with the county.

Following discussion, it was determined that the assessment would be placed against the property and would not impact Ms. King personally.

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. 14-99

(2) 471 Washington Court.

City Manager Duggan said this resolution fixes the cost for demolition of property located at 471 Washington Court. 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 Beard moved that the resolution be adopted.
Councilperson Anders seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-100

c. Infrastructure Development Agreement. Delta Development Group, LLC (Spring Lake). Property located at 2560, 2568, and 2600 East Glenn Avenue.

City Manager Duggan said this item will not be considered because it was contingent upon the passing of the ordinance in item 9b.

d. Conditional Use Approval. Planning Commission Recommendations.

(1) Fred and Catherine Adams and Sarah Adams. Lee Alice Johnson. Property located at 2560, 2568, and 2600 East Glenn Avenue. Commercial and entertainment use and road service uses in the Comprehensive Development District (CDD) zoning district with an overlay of the Planned Development District (PDD) designation.

City Manager Duggan said this item will not be considered because it was contingent upon the passing of the ordinance in item 9b.

10. **RESOLUTIONS (cont)**.

(2) Robert Miller. Brandon Bolt. Property located at 815 Opelika Road. Road service use (bank with drive-thru) and filling in a portion of the floodplain in the Commercial Conservation (CC) zoning district. Public hearing required.

City Manager Duggan said Brandon Bolt requests conditional use approval for a road service use (bank with drive-thru) and for filling in a portion of the floodplain for property located at 815 Opelika Road.

Mayor Ham opened the public hearing.

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

Councilperson Kelley moved that the resolution be adopted.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-101

(3) Greenbelt Properties, Inc. Russ Lassiter. Property located at 2031 South College Street. Road service use (fast food restaurant with drive-thru) in the Comprehensive Development District (CDD) zoning district. Public hearing required.

City Manager Duggan said Russ Lassiter requests conditional use approval for a road service use (fast food restaurant with drive-thru) located in the Comprehensive Development District (CDD) zoning district. 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 Kelley seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-102

(4) Goal Post C Store, LLC. Sean Foote. Property located at 1849 Ogletree Road, Suites 100 and 200. Expansion of existing commercial and entertainment use (tobacco shop, package store, and lounge) located in the Limited Development District (LDD) with an overlay of the Planned Development District (PDD) designation. Public hearing required.

City Manager Duggan said Sean Foote requests conditional use approval for the expansion of an existing commercial and entertainment use located in the Limited Development District (LDD) with an overlay of the Planned Development District (PDD). 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 asked if this item conforms to all smoking and alcohol regulations.

Planning Director Forrest Cotten answered affirmatively.

10. **RESOLUTIONS (cont)**.

Councilperson Dowdell moved that the resolution be adopted.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-103

e. Economic Development Department. Tax Abatement Amendment. New Life Properties, LLC. 209 Alabama Street.

City Manager Duggan said this resolution provides an amended tax abatement for New Life Properties, LLC.

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. 14-104

f. Contracts and Agreements.

(1) Kann Manufacturing Corporation. Purchase three (3) compartmentalized containers for trough loader recycling collection trucks. $29,154.

City Manager Duggan said this resolution authorizes the City Manager to execute a contract with Kann Manufacturing Corporation for the purchase of three (3) compartmentalized containers for trough loader recycling collection trucks.

Councilperson Dulaney asked if this purchase will be made with grants funds.

City Manager Duggan answered affirmatively.

Councilperson Dulaney moved that the resolution be adopted.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-105

(2) The McPherson Companies, Inc. Fuel purchase. $40,189.56.

City Manager Duggan said this resolution authorizes the Public Works Department to purchase fuel from The McPherson Companies, Inc.

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. 14-106

(3) The McPherson Companies, Inc. Fleet fuel dispensing services. State Contract T104/#2241484. $0.15 over the average weekly Oil Price Information Service (OPIS) price.

City Manager Duggan said this resolution authorizes the City Manager to execute a contract with The McPherson Companies, Inc. for fleet fuel dispensing services.

Councilperson Phelan asked for clarification on the OPIS price.

City Manager Duggan explained that the OPIS price is the wholesale price.

10. **RESOLUTIONS (cont)**.

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. 14-107

(4) Timmons Group, Inc. Software consulting services. $44,595.

City Manager Duggan said this resolution authorizes the City Manager to execute a contract with the Timmons Group, Inc. for software consulting services.

Councilperson Worden moved that the resolution be adopted.
Councilperson Dowdell seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-108

g. Drainage and Utility Easements and Street Easements. Acceptance and Vacation.

(1) Campus Crest Development. Lincoln Heights Subdivision, Block A, located in the 900 and 1000 blocks of West Glenn Avenue. The Grove at Auburn II Apartments. Acceptance.

City Manager Duggan said this resolution accepts various drainage and utility easements and street easements in Lincoln Heights Subdivision located in the 900 and 1000 blocks of West Glenn Avenue.

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. 14-109

(2) Auburn Hospitality Group, LLC. Candlewood Suites. 2510 East Glenn Avenue. Acceptance.

City Manager Duggan said this resolution accepts a drainage and utility easement on East Glenn Avenue for future installation of utilities for Candlewood Suites located at 2510 East Glenn Avenue.

Councilperson Phelan moved that the resolution be adopted.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-110

(3) Jackie and Phyllis Harris. 1128 Overwood Place. Vacation.

City Manager Duggan said this resolution approves the vacation of drainage and utility easement located at 1128 Overwood Place and authorizes the Mayor and City Manager to execute a quit-claim deed relinquishing the easement property to Jackie and Phyllis Harris.

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. 14-111

h. Right-of-Way Vacations. Public hearings required.

(1) Campus Crest at Jacksonville, AL, LLC. Vickerstaff Street (Lee County)/ Moton Street (City of Auburn). The Grove at Auburn II Apartments.

10. **RESOLUTIONS (cont)**.

City Manager Duggan said this resolution assents to the vacation of the right-of-way on Vickerstaff Street (Lee County)/Moton Street (City of Auburn) and authorizes the Mayor and City Manager to execute a quit-claim deed relinquishing the property to Campus Crest at Jacksonville, AL, LLC for The Grove at Auburn II Apartments. 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 Phelan moved that the resolution be adopted.
Councilperson Anders seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 14-112

(2) 1029 Railroad Avenue LLC. Vickerstaff Street (Lee County)/ Moton Street (City of Auburn). The Grove at Auburn II Apartments.

City Manager Duggan said this resolution assents to the vacation of the right-of-way on Vickerstaff Street (Lee County)/Moton Street (City of Auburn) and authorizes the Mayor and City Manager to execute a quit-claim deed relinquishing the property to 1029 Railroad Avenue LLC for The Grove at Auburn II Apartments. 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 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. 14-113

i. Board Appointment. Board of Education. One Vacancy. Term begins June 1, 2014 and ends May 31, 2019.

City Manager Duggan said this resolution reappoints Tracie West to the Board of Education for a term of office beginning June 1, 2014 and ending May 31, 2019.

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. 14-114

11. **OTHER BUSINESS**.

a. Drainage and Utility Easement. Acceptance. Hope W. Shannon. Charleston Place Subdivision, Redivision of Lots 43-49. 102 – 114 Carolina Court.

City Manager Duggan said this resolution accepts various drainage and utility easements for property located at 102-114 Carolina Court.

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. 14-115

Councilperson Dowdell said Jim Buston did an excellent job of running the city while City Manager Duggan was away.

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

Councilperson Phelan invited everyone to attend the Memorial Day Breakfast on Monday, May 26th.

12. **ADJOURNMENT**.

Councilperson Beard moved that the meeting be adjourned.
Councilperson Kelley seconded the motion and all members voted aye.
The meeting was adjourned at 7:47 PM.

_____
Mayor

ATTEST:

_____
City Manager