The City Council of the City of Auburn, Alabama met in regular session on Tuesday, March 5, 2013 at 7:04 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, Bob Norman, Tom Worden, and Mayor Bill Ham, Jr. Also present was City Manager Charles M. Duggan, Jr.

Absent: Councilpersons Ron Anders, Jr., Robin Kelley, and Dick Phelan.

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**. February 19, 2013.

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

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

a. Service Pins and Plaques.

(1) Justin Steinmann.
Planning Department.
5 Years.

Mayor Ham presented a five (5) year service pin to Justin Steinmann of the Planning Department.

(2) Public Safety Department – Police Division.

(a) Antwoin Daniels.
5 Years.

(b) James Pescia.
5 Years.

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

(c) Terry White, Jr.
5 Years.

Mayor Ham presented five (5) year service pins to Antwoin Daniels, James Pescia, and Terry White, Jr. of the Public Safety Department – Police Division.

(3) Public Safety Department – Fire Division.

(a) Cody Carlson.
5 Years.

(b) Blake Taunton.
10 Years.

Mayor Ham presented a five (5) year service pin to Cody Carlson and a ten (10) year service pin to Blake Taunton of the Public Safety Department – Fire Division.

(4) Andy Meeks.
Public Safety Department – Codes Division.
20 Years.

Mayor Ham presented a twenty (20) year service pin and commemorative plaque to Andy Meeks of the Public Safety Department – Codes Division.

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

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 previous Committee of the Whole meeting. Mayor Ham said the Committee of the Whole made recommendations for appointments to the Metropolitan Planning Organization – Citizens Advisory Committee and the Commercial Development Authority. These vacancies will be considered at the proper time on the regular agenda.

Mayor Ham noted that one item of Other Business was added to the regular agenda.

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

c. Announcements.

None.

6. **AUBURN UNIVERSITY COMMUNICATIONS**.

SGA Director of City Relations Clay Phillips said the plans are on-going for the Toomer's Oak project. The two proposed plans are available on the website for those interested in viewing the plans being considered. He noted that the Auburn University A-D game on April 20, 2013 will be the last time the current trees can be rolled; after that date, the trees will be removed. He encouraged everyone to come out and participate in the festivities during that time.

Mayor Ham thanked Clay for his service over the past year as his term will be ending soon.

7. **CITIZENS' COMMUNICATIONS.**

Mrs. Marsha Thomas, 34593 Venturi Avenue, Beaumont, CA, appeared before the Council to request that the case be reopened of the apparent suicide of her daughter, Ronieta Shonette Thomas-Yates to be investigated further. She said she has met with the City Manager and the Police Chief and is unsatisfied with the answers she has been given. She requested that all evidence in the case be presented to the Alabama Bureau of Investigation (ABI) and that an independent investigation be undertaken by that body.

Councilperson Dowdell asked several questions of Mrs. Thomas that were answered by her to his satisfaction.

Mr. De'Juan Ghoston, Mrs. Thomas' nephew said he and Mrs. Thomas sent a letter to Mayor Ham prior to coming to Auburn however they were unsatisfied with the information provided so he and his aunt, Mrs. Thomas, made the trip to Auburn. He said after arriving they met with the City Manager and the Chief of Police and to date have many unanswered questions regarding the investigation. He reiterated the request received from Mrs. Thomas that all information gathered in the case be turned over to the ABI for additional study and asked that that body do a further independent investigation to determine the cause of death of his cousin.

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

Councilperson Dowdell asked several questions of Mr. Ghoston that were answered by him to his satisfaction.

Mayor Ham said he is aware that meetings have been held and all requests for information by Mrs. Thomas and Mr. Ghoston have been granted except in the case of the new request that all information dealing with the case be turned over to the ABI.

Councilperson Dowdell suggested that the entire case be turned over to the ABI/FBI. He said if this is found to be a homicide the person is at large among us and this should be a major concern.

City Manager Duggan said he will ensure that information involving this case is turned over to the ABI.

Rev. Larry Taylor, 311 Williams Street, said he is vice president of the Concerned Citizens for Equal Justice. He said that he wanted to relate to Mrs. Thomas and Mr. Ghoston that he and the members of the organization plan to stand by the family until this case has had its final disposition.

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

a. Announcement of Board Vacancy. Library Board. One Vacancy. Four Year Term Expires April 14, 2017. Appointment at the April 2, 2013 Meeting.

City Manager Duggan stated that one vacancy will exist on the Library Board on April 2, 2013. He said the four year term expires April 14, 2017 and the appointment will be on the April 2, 2013 agenda.

9. **ORDINANCES.**

a. SunTrust Equipment Finance & Leasing Corp. Amend Ordinance No. 2674. Amend Terms of Series 2010-D General Obligation Warrant. Unanimous Consent Necessary.

City Manager Duggan stated that this Ordinance amends certain provisions of the Series 2010-D General Obligation Capital Improvement Warrant originally issued to purchase a building located at 155 Alabama Street.

9. **ORDINANCES (cont).**

The building and surrounding grounds were purchased with the intent to relocate certain City departments for office and fleet space. Since that time the property has been deemed no longer practicable to use as an office facility; therefore, the amendment, as approved by SunTrust Equipment Finance & Leasing Corp, will modify Ordinance No. 2674 and restate the Original Warrant so that it is no longer a Federally Tax-Exempt Obligation.

The following Ordinance was introduced in writing by Councilmember Dowdell and read to the meeting:

ORDINANCE NO. 2814

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF ORDINANCE NO. 2674 ADOPTED AUGUST 17, 2010 RESPECTING THE GENERAL OBLIGATION CAPITAL IMPROVEMENT WARRANT, SERIES 2010-D, IN THE ORIGINAL PRINCIPAL AMOUNT OF $1,870,000, AND TO AMEND CERTAIN PROVISIONS OF THE SAID SERIES 2010-D WARRANT

(The entire Ordinance is in the official Ordinance Book).

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

YEAS:	**NAYS:**
Councilpersons Beard, Dowdell, Dulaney, Norman, Worden, and Mayor Bill Ham, Jr.	None.

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

9. **ORDINANCES (cont).**

YEAS:	NAYS:
Councilpersons Beard, Dowdell, Dulaney, Norman, Worden, and Mayor Bill Ham, Jr.	None.

Mayor Ham thereupon declared that the motion for adoption of said Ordinance had been carried.
ORDINANCE NO. 2814

10. **RESOLUTIONS**.

a. Temporary Closing of City Streets and Entertainment District.

(1) Auburn University (AU), AU Athletic Department, Auburn Alumni Association, Auburn Chamber of Commerce, Auburn-Opelika Tourism Bureau, and Downtown Merchants. Community Event. Designate Auburn Oaks Celebration. April 20, 2013. Alcohol Consumption in the Entertainment District.

City Manager Duggan said this Resolution authorizes the temporary closing of city streets and designates the Auburn Oaks Celebration event on April 20, 2013 as a special community event as provided in Section 3-58(c) of the City Code pertaining to alcohol consumption in the entertainment district. He noted that the Auburn Oaks Celebration will be held after the auburn University A-Day football game.

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. 13-51

(2) Auburn Running Festival. Stadium Run Event. April 27, 2013.

City Manager Duggan said this Resolution authorizes the temporary closing of city streets for the Stadium Run event to be held on April 27, 2013. All runs, half-marathon, 10K, 5K, and one-mile, will begin at Toomer's Corner and finish on the 50-yard line of Jordan-Hare Stadium on the campus of Auburn University.

10. **RESOLUTIONS (cont)**.

The streets to be temporarily closed to vehicular traffic include College Street from Thach Avenue to Glenn Avenue and Magnolia Avenue from Wright Street to Gay Street.

Councilperson Beard moved that the Resolution be adopted.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 13-52

b. Public Works Department. Declaration of Restrictive Covenants with U. S. Corps of Engineers. Preserve Stream at Sam Harris Park. Offset Impacts Due to Construction of Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West. Authorize Mayor and City Manager to Sign.

City Manager Duggan said this Resolution authorizes the Mayor and City Manager to execute a Declaration of Restrictive Covenants with the U. S. Corps of Engineers to preserve the stream at Sam Harris Park to offset impacts due to the construction of Auburn Technology Parkway from Cox Road to Riley Street in the Auburn Technology Park West. The streams are protected by Section 404 of the Clean Water Act and the City will plant trees in the areas adjacent to the streams for preservation.

Councilperson Dowdell moved that the Resolution be adopted.
Councilperson Dulaney seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 13-53

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

(1) Public Works Department. Alabama Department of Transportation. Alabama Transportation Rehabilitation and Improvement Program (ATRIP). Intersection Improvements. Agreements.

(a) Intersection of Opelika Road and East University Drive. $976,692 (ATRIP Funds) and $244,173 (City Funds).

10. **RESOLUTIONS (cont)**.

City Manager Duggan said this Resolution authorizes the Mayor and City Manager to execute an intersection improvements resolution with the State through the Alabama Department of Transportation (ALDOT) under the Alabama Transportation Rehabilitation and Improvements Program (ATRIP) for improvements to the intersection of Opelika Road and East University Drive. The project will be funded with approximately $976,692 in ATRIP funds and $244,173 in City funds.

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. 13-54

(b) Intersection of South College Street and Longleaf Drive. $770,594 (ATRIP Funds) and $192,649 (City Funds).

City Manager Duggan said this Resolution authorizes the Mayor and City Manager to execute an intersection improvements resolution with the State through the Alabama Department of Transportation (ALDOT) under the Alabama Transportation Rehabilitation and Improvements Program (ATRIP) for improvements to the intersection of South College Street and Longleaf Drive. The project will be funded with approximately $770,594 in ATRIP funds and $192,649 in City funds.

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. 13-55

(2) Public Works Department. Contracts.

(a) D & J Enterprises, Inc. Construction of Auburn Technology Parkway from Cox Road to Riley Street in the Auburn Technology Park West. West Veterans Boulevard and Thistle Lane Project. $1,324,381.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with the lowest responsible bidder, D & J Enterprises in the amount of $1,324,381 for the cost of labor, equipment, and materials

10. **RESOLUTIONS (cont)**.

necessary to complete construction of the Auburn Technology Parkway from Cox Road to Riley Street in the Auburn Technology Park West, West Veterans Boulevard and Thistle Lane Project.

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. 13-56

(b) Bobcat of Opelika. Purchase E50 Bobcat Compact Excavator. $55,974.53.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract to purchase an E50 Bobcat Compact Excavator from bobcat of Opelika for a cost of $55,974.53.

Councilperson Norman moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 13-57

(3) Environmental Services Department. Contracts.

(a) Clean Harbors Environmental Services, Inc. Collection and Disposal of Household Hazardous Waste. Five Year Contract. Not to Exceed $30,000/year.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a professional services contract with Clean Harbors Environmental Services, Inc. for the collection and disposal of household hazardous waste (HHW) generated during the City's HHW collection events. He noted that the contract will be for one (1) HHW collection event per year with the option to renew each year up to five years at an amount not to exceed $30,000 per event.

Councilperson Norman moved that the resolution be adopted.
Councilperson Dulaney seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 13-58

10. **RESOLUTIONS (cont)**.

(b) Long-Lewis Ford. Purchase One (1) 2013 Ford F-750 Truck Cab and Chassis with a curb sorter/trough loader, four container truck mount side dump cycling body. $149,523.50.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with Long-Lewis Ford, the lowest responsible bidder, to purchase one (1) 2013 Ford F-750 truck cab and chassis with a curb sorter/trough loader, four container truck mount side dump recycling body for a cost of $149,523.50.

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. 13-59

d. Dilworth Development, Inc. Vacation of Drainage and Utility Easement. Property Located at Millwood Subdivision (Millers Point Road). Authorize Mayor and City Manager to Sign Quit Claim Deed.

City Manager Duggan stated that this Resolution provides for the vacation of a Drainage and Utility Easement located at Millwood Subdivision and authorizes the Mayor and City Manager to execute a quit claim deed relinquishing the vacated easement property to Dilworth Development, Inc.

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. 13-60

e. Boards and Commissions. Appointments.

(1) Metropolitan Planning Organization – Citizens Advisory Committee. Five Vacancies. Four Year Terms Expire March 8, 2017.

City Manager Duggan stated that five vacancies exist on the Metropolitan Planning Organization – Citizens Advisory Committee.

10. **RESOLUTIONS (cont)**.

He said the recommendation of the Committee of the Whole is the reappointment of Burton Katz and Nonet Reese and the appointment of Marcia A. Gibson, Jr. R. Smith, and Mark R. Wilson for four year terms to expire March 8, 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. 13-61

(2) Commercial Development Authority. Two Vacancies. Four Year Terms Expire March 15, 2017.

City Manager Duggan stated that two vacancies exist on the Commercial Development Authority. He said the recommendation of the Committee of the Whole is the reappointment of W. Murray Neighbors and the appointment of R. Parker Lewis for four year terms to expire March 15, 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. 13-62

11. **OTHER BUSINESS**.

a. Water Resource Management Department. Alabama Department of Transportation. Northeast Parallel Outfall Sewer – Streambank Stabilization Project. Cost-Share Agreement.

City Manager Duggan said this Resolution authorizes the Mayor and City Manager to execute a cost share agreement with the Alabama Department of Transportation (ALDOT) in order to secure a contribution of up to $20,000 for the Northeast Parallel Outfall Sewer – Streambank Stabilization Project. He noted that the Resolution was submitted by ALDOT and revises Resolution No. 13-45 previously adopted by Council on February 19, 2013.

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. 13-63

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

Mayor Ham asked for comments from Council.

There were no comments from Council.

12. **ADJOURNMENT.**

Councilperson Dowdell moved that the meeting be adjourned.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the meeting adjourned 7:42 PM.

_____
Mayor

ATTEST:

_____
City Manager