The City Council of the City of Auburn, Alabama met in regular session on Tuesday, February 19, 2013 at 7:02 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. (arrived at 7:05 PM), Gene Dulaney, Robin Kelley, Dick Phelan, Tom Worden, and Mayor Bill Ham, Jr. Also present was City Manager Charles M. Duggan, Jr.

Absent: Councilperson Bob Norman.

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 5, 2013.

Councilperson Beard moved that the minutes be approved.
Councilperson Kelley 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 noted that nominations were made for an appointment to the Board of Zoning Adjustment. He said the appointment will be made at the proper time on the agenda.

b. Announcements.

Mayor Ham welcomed Councilperson Tom Worden to the meeting after his recent illness. He thanked Mrs. Worden for her care of the Councilman and for bringing him to the meeting.

6. **AUBURN UNIVERSITY COMMUNICATIONS**.

SGA Director of City Relations Clay Phillips was not present.

7. **CITIZENS' COMMUNICATIONS.**

Mr. James Grider, 883 Tulane Road, spoke regarding the proposed property tax increase. He said he received a survey questionnaire; however, he was concerned that the State legislation indicates a 14-mill increase rather than a 9-mill increase as he was originally informed. He also wanted to know why the City is considering a property tax increase rather than selling bonds as is done in other cities; and when will the property tax expire.

Councilperson Dowdell entered the meeting at 7:05 PM.

City Manager Duggan explained that there are currently 5 mills of property taxes and the increase of 9 mills will increase the school tax millage rate to 14 mills. He further explained that once the tax is approved, bonds will be issued to build the new school and the funds from the increased property tax will be used to service the debt. .

Mayor Ham stated that the tax has no expiration date.

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

a. Alcoholic Beverage License. Arigato Holdings, LLC dba/ Arigato Sushi Boutique. 140 North College Street, Suite 101. 020-Restaurant Retail Liquor License.

City Manager Duggan said Arigato Holdings, LLC dba/Arigato Sushi Boutique (formerly Juliana Tokyo) is seeking approval for an 020 – Restaurant Retail Liquor alcoholic beverage license for property located at 140 North College Street, Suite 101, in the Urban Core (UC) zoning district with an overlay of the college Edge Overlay District (CEOD) designation, which permits the restaurant (commercial and entertainment) use. He noted that this is a new business that is currently operating under the alcoholic beverage license issued to the former owner.

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

9. ORDINANCES.

a. Annual Renewal. Ad Valorem Property Taxes. Unanimous Consent Necessary.

(1) City Taxes – 5 Mills for General Purposes. General Fund. City Taxes – 5 Mills for Capital Projects Debt Repayment (Special Five Mill Tax Fund).

City Manager Duggan stated that this Ordinance enacts the annual renewal of ad valorem property taxes noting that the Council must annually renew the taxes to authorize the Lee County Revenue Commissioner to assess City property taxes. He said this is a renewal of an existing tax, not new or increased taxes as follows: City Taxes – 5 mills for general purposes (General Fund); and City taxes – 5 mills for capital projects debt repayment (Special Five Mill Tax).

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: Dowdell, Dulaney, Kelley, Phelan, Worden, Anders, Beard, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2809

(2) School Taxes. 11 Mills for Educational Purposes. Special School Tax Fund.

City Manager Duggan stated that this Ordinance enacts the annual renewal of ad valorem property taxes noting that the Council must annually renew the taxes to authorize the Lee County Revenue Commissioner to assess City property taxes.

9. **ORDINANCES (cont).**

He said this is a renewal of an existing tax, not new or increased taxes as follows: School Taxes – 11 mills for educational purposes (Special School Tax Fund).

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 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: Dulaney, Kelley, Phelan, Worden, Anders, Beard, Dowdell, and Mayor Ham. Voting nay: None. Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2810

(3) School Taxes. 5 Mills for Educational Purposes. Special Additional School Tax Fund.

City Manager Duggan stated that this Ordinance enacts the annual renewal of ad valorem property taxes noting that the Council must annually renew the taxes to authorize the Lee County Revenue Commissioner to assess City property taxes. He said this is a renewal of an existing tax, not new or increased taxes as follows: School Taxes – 5 mills for educational purposes (Special Additional School Tax Fund).

Councilperson Kelley introduced the Ordinance.
City Manager Duggan read the Ordinance by Title.
Councilperson Kelley 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.

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: Kelley, Phelan, Worden, Anders, Beard, Dowdell, Dulaney, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2811

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

(1) Cary Creek Parkway, LLC. David Slocum (Authorized Representative.

(a) Rezone approximately 4.14 acres from Neighborhood Conservation (NC-8) to Development District-Housing (DD-H). Property located off North College Street, South of Asheton Park Subdivision and North of Cary Creek.

City Manager Duggan stated that David Slocum is requesting to rezone approximately 4.14 acres from Neighborhood Conservation (NC-8) to Development District-Housing (DD-H). He said the property is located off North College Street, south of Asheton Park Subdivision and north of Cary Creek. The Planning Commission unanimously recommended approval of the request at its January 10, 2013 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 Beard introduced the Ordinance.
City Manager Duggan read the Ordinance by Title.
Councilperson Beard moved that unanimous consent be granted to consider the Ordinance.
Councilperson Anders 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: Phelan, Worden, Anders, Beard, Dowdell, Dulaney, Kelley, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2812

(b) Amend Ordinance No. 2583. Apply Planned Development District (PDD) designation to approximately 4.14 acres and modify uses in western portion from commercial, office, and multiple family development to active adult housing (multiple family development). Property located on the north side of East University Drive between North College Street and Shelton Mill Road.

City Manager Duggan stated that David Slocum is requesting to amend Ordinance No. 2583 that placed the Planned Development District (PDD) designation on approximately 299.04 acres in the Development District Housing (DDH) zoning district. The amendment will apply the Planned Development District (PDD) designation to an additional 4.14 acres and modify the uses in the western portion from commercial, office, and multiple family development to active adult housing (multiple family development). He said the subject property is located on the north side of East University Drive between North College Street and Shelton Mill Road. The Planning Commission unanimously recommended approval of the request at its January 10, 2013 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 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: Phelan, Worden, Anders, Beard, Dowdell, Dulaney, Kelley, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2813

10. **RESOLUTIONS**.

a. Parks & Recreation Department. Alcohol Requests.

(1) Auburn Arts Association. Nunn-Winston House-Kiesel Park. Auburn CityFest 2013 Juried Art Preview Exhibition and Reception. April 25, 2013.

City Manager Duggan stated that this Resolution authorizes the serving and consumption of alcohol at the Auburn CityFest 2013 Juried Art Preview Exhibition and Reception at Kiesel Park on Thursday, April 25, 2013.

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. 13-35

10. **RESOLUTIONS (cont)**.

(2) Jill Hunsberger. Kiesel Park. Wedding Reception. September 28, 2013.

City Manager Duggan stated that this Resolution authorizes the serving and consumption of alcohol at a private event at Kiesel Park on Saturday, September 28, 2013.

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. 13-36

(3) Auburn Arts Association. Temporary Closing of City Streets. SummerNight Downtown Art Walk. June 14, 2013 or June 15, 2013 (rain date). Alcohol Consumption in the Entertainment District.

City Manager Duggan stated that this Resolution authorizes the temporary closing of city streets and designates the SummerNight Downtown Art Walk on Friday, June 14, 2013 (rain date Saturday, June 15, 2013) as a special community event as provided in Section 3-58(c) of the Auburn City Code pertaining to alcohol consumption in the entertainment district.

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. 13-37

b. Downtown Merchants and Property Owners Association and Auburn Chamber of Commerce. Sidewalk Sales. 2013 Dates.

City Manager Duggan stated that this Resolution authorizes the downtown merchants to hold sidewalk sales on selected dates.

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. 13-38

10. **RESOLUTIONS (cont)**.

c. Industrial Development Board.

(1) Straehle + Hess USA, Inc. Concur with Financing of Improvements to IDB-owned building at 1132 West Veterans Park North. Not to Exceed $175,000.

City Manager Duggan said this Resolution is for concurrence with the financing of improvements to an IDB-owned building located at 1132 West Veterans Boulevard in Auburn Technology Park North.

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. 13-39

(2) Project Wales. Concur with utilization of Revolving Loan Funds and Industrial Development Board resources. Provide Package of Incentives to locate project in Auburn Technology Park West.

City Manager Duggan said this Resolution is for the concurrence with the utilization of the Revolving Loan Fund and Industrial Development Board resources to provide for a package of incentives to locate Project Wales in Auburn Technology Park West. He noted that the project consists of three phases and will result in an overall capital investment of approximately $106.4 million and approximately 436 new jobs over the next five years.

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. 13-40

d. Planning Commission. Renaming City Streets. Recommendation of the Planning Commission.

(1) Rename easterly segment of Beehive Road to Cox Road and a segment of Cox Road (west of I-85 that connects to Beehive Road) to Old Cox Road.

10. **RESOLUTIONS (cont)**.

City Manager Duggan said this Resolution renames the easterly segment of Beehive Road to Cox Road and a segment of Cox Road (west of I-85 that connects south to Beehive Road) to Old Cox Road. He noted that this is the recommendation of the Planning Commission made at its meeting held February 14, 2013.

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. 13-41

(2) Rename segment of Saugahatchee Road (east of Country Club Road to the Opelika City limits) to Airport Road.

City Manager Duggan said this Resolution renames a segment of Saugahatchee Road (east of Country Club Road to the Opelika City limits) to Airport Road. He noted that this is the recommendation of the Planning Commission made at its meeting held February 14, 2013.

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. 13-42

(3) Rename Weston Court within Shelton Cove Subdivision to Ashley Court.

City Manager Duggan said this Resolution renames Weston Court to Ashley Court within the Shelton Cove Subdivision. He noted that this is the recommendation of the Planning Commission made at its meeting held February 14, 2013.

Councilperson Dulaney moved that the Resolution be adopted.
Councilperson Kelley seconded the motion and all members voted aye.
Mayor Ham declared the Resolution adopted.
RESOLUTION NO. 13-43

10. **RESOLUTIONS (cont)**.

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

(1) Public Works Department. Precision Surveying-Auburn; Boles Surveying-Opelika; Sentell Engineering-Tuscaloosa; and AMEC Environmental & Infrastructure, Inc.-Birmingham. Professional Surveying Services for the Utility Mapping Project. $666,666.66 over Three (3) Years Shared Equally from Sewer Enterprise Fund and General Fund. Professional Services Agreement.

City Manager Duggan stated that this Resolution authorizes the Mayor and City Manager to execute professional services agreements with Precision Surveying, Boles Engineering, Sentell Engineering, and AMEC Environmental & Infrastructure, Inc. to provide professional surveying services for the Utility Mapping Project in a shared project between the City's General Fund, Water Works Board and the City's Sewer Enterprise Fund.

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. 13-44

(2) Water Resource Management Department.

(a) Alabama Department of Transportation. Northeast Parallel Outfall Sewer – Streambank Stabilization Project. Cost-Share Agreement.

City Manager Duggan stated that this Resolution authorizes the Mayor and City Manager to execute a cost-share agreement with the Alabama Department of Transportation (ALDOT) to secure a contribution of up to $20,000 for the Northeast Parallel Outfall Sewer – Streambank Stabilization Project.

Councilperson Phelan moved that the resolution be adopted.
Councilperson Dulaney seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 13-45

10. **RESOLUTIONS (cont)**.

(b) North State Environmental, Inc. Engineering and Construction Services. $49,779.40. Northeast Parallel Outfall Sewer- Streambank Stabilization Project. Professional Services Agreement.

City Manager Duggan stated that this Resolution authorizes the Mayor and City Manager to execute a Professional Services Agreement for engineering and construction services with North State Environmental, Inc. for the Northeast Parallel Outfall Sewer - Streambank Stabilization Project for cost of $49,779.40 plus 10% contingency of $4,977.94 for a total cost of $54,757.34.

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. 13-46

(c) Barge Waggoner Sumner & Cannon, Inc. Task Order 7: Northeast Outfall Sewer Phase II Project. $49,925 plus 10% Contingency of $4,992.50. Total: $54,917.50. Professional Services Contract.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract with Barge Waggoner Sumner & Cannon, Inc. (BWSC) for professional services as described in Task Order 7: Northeast Outfall Sewer Phase II project in the amount of $49,925 plus 10% contingency of $4,992.50 for a total cost of $54,917.50.

Councilperson Kelley moved that the resolution be adopted.
Councilperson Anders seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 13-47

(3) Planning Department. Pick Properties, Inc. Cary Creek Infrastructure Development Agreement.

City Manager Duggan said this Resolution adopts the Cary Creek Development Infrastructure Development Agreement with Pick Properties, Inc. He said an Executive Summary highlighting the agreement's content is enclosed for Council's review and is attached to the original minutes.

10. **RESOLUTIONS (cont)**.

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. 13-48

f. Drainage and Utility Easements and Rights-of-Way. Industrial Development Board. Auburn Technology Park West, Redivision of Lot A1-1. Property located north of Beehive Road and southwest of Innovation Drive. Acceptance.

City Manager Duggan stated that this Resolution accepts various drainage and utility easements and rights of way, as shown on the plat, Auburn Technology Park West, Redivision of Lot A1-1, located north of Beehive Road and southwest of Innovation Drive.

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. 13-49

g. Board of Zoning Adjustment. One Vacancy-Supernumerary. Resignation. Unexpired Term Ends January 20, 2014.

City Manager Duggan stated that the recommendation of the Committee of the Whole is the appointment of Paul B. West as a supernumerary on the Board of Zoning Adjustment for an unexpired term that ends January 20, 2014.

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. 13-50

11. **OTHER BUSINESS**.

None.

Mayor Ham asked for comments from Council.

There were no comments from Council.

12. **ADJOURNMENT.**

Councilperson Dowdell moved that the meeting be adjourned. Councilperson Beard seconded the motion and all members voted aye. Mayor Ham declared the meeting adjourned 7:24 PM.

_____
Mayor

ATTEST:

_____
City Manager