The City Council of the City of Auburn, Alabama met in regular session on Tuesday, October 2, 2012 at 7:09 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, Sheila Eckman, 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**. September 18, 2012.

Councilperson Beard moved that the minutes be approved.
Councilperson Worden 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.
Steve Dickerson.
Parks & Recreation Department.

Mayor Ham read a memorandum from Parks and Recreation Director Becky Richardson to City Manager Charles M. Duggan, Jr. nominating Steve Dickerson as Employee of the Month for October 2012 for his outstanding performance as League Sports Coordinator in the Parks and Recreation Department (A copy of the entire memorandum is attached to the minutes).

Mayor Ham presented Mr. Dickerson 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.

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

b. Service Pins and Plaques.

(1) Mikel Thompson.
Water Resource Management Department.
10 Years.

(2) Nell Greer.
Human Resources Department.
15 Years.

(3) Vernard Hobson.
Environmental Services Department.
25 Years.

(4) Edward Hunter.
Water Resource Management Department.
25 Years.

(5) Pete Knight.
Water Resource Management Department.
25 Years.

Mayor Ham presented service pins as listed above and thanked all employees for their dedicated service to the City of Auburn.

c. Presentation to Retiring Employee. Andre Richardson. Environmental Services Department – Recycling Division.

Mayor Ham indicated that Andre Richardson could not be present for retirement recognition, but would be recognized at a future meeting.

d. 10a. Resolution. Auburn City Schools. All Auburn Blue Day. October 5, 2012.

Mayor Ham asked the Council if they would consent to moving Resolution 10a to Mayor's Communications.
The Council consented by voting aye.

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

Mayor Ham read the Resolution in support of Auburn High School's selection to appear in a nationally-televised football game on ESPNU on Friday, October 5, 2012, and declaring the day to be All Auburn Blue Day in the City of Auburn.

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. 12-183

Mayor Ham presented a copy of the Resolution to Coach Tommy Carter, Varsity Football Coach for Auburn High School.

e. 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 and listened to an excellent presentation from Director of Community Development Sharon Tolbert, Financial Manager Kate Ham, and Economic Development Director Phillip Dunlap detailing the Section 108 Loan Program. Slides from the presentation are available on the City's website.

f. Announcements.

None.

6. **AUBURN UNIVERSITY COMMUNICATIONS**.

SGA Director of City Relations Clay Phillips announced the First Annual Bodda Getta Bash on Friday, October 5 at the Graves Amphitheater on campus.

7. **CITIZENS' COMMUNICATIONS.**

None.

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

None.

9. ORDINANCES.

a. Annexation. Eugenia Talmage. Property Located at 2036 Bonny Glen Road. 1.67 Acres. Unanimous Consent Necessary.

City Manager Duggan stated that Eugenia Talmage is requesting annexation of approximately 1.67 acres located at 2036 Bonny Glen Road. He noted that there is currently one single-family home on the property. He noted that the request is consistent with the provisions of Resolution 12-111, which outlines the City's annexation policy. The Planning Commission unanimously recommended approval of the request at its September 13, 2012 meeting.

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 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: Dulaney, Eckman, Kelley, Phelan, Worden, Beard, Dowdell, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2789

Councilman Dulaney noted that Auburn City Schools was not in favor of the annexation and asked if the school related financial numbers came from Auburn City Schools.

City Manager Duggan answered in the affirmative.

b. City Code. Amendment. Chapter 5, Buildings and Building Regulations. Adoption of Selected International and Alabama Building Codes. Unanimous Consent Necessary.

9. ORDINANCES (cont).

City Manager Duggan stated that this Ordinance amends Chapter 5 of the Code of the City of Auburn and (1) adopts the 2009 International Residential Code (IRC) with the Alabama Residential and Energy Code amendments; (2) adopts the Alabama Commercial and Residential Codes, which applies to the International Building Code (IBC) by reference without amendment; and (3) adopts the 2012 Editions of the International Code Council's (ICC) Building, Plumbing, Fuel Gas, Fire, Mechanical, and Property Maintenance Codes.

Councilman Kelley introduced the Ordinance.
City Manager Duggan read the Ordinance by Title.
Councilman Kelley moved that unanimous consent be granted to consider the Ordinance.
Councilman Worden 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: Eckman, Kelley, Phelan, Worden, Beard, Dowdell, Dulaney, and Mayor Ham.
Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2790

c. Traffic Control Signs and Devices. Establish "No Parking" Zone. 950 West Glenn Avenue. Unanimous Consent Necessary.

City Manager Duggan stated that this Ordinance establishes a "No Parking" zone at 950 West Glenn Avenue.

Councilman Phelan introduced the Ordinance.
City Manager Duggan read the Ordinance by Title.
Councilman Phelan moved that unanimous consent be granted to consider the Ordinance.
Councilman Worden 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.

Councilperson Eckman asked if it would be legal to have a street with "no parking" on both sides.

City Manager Duggan answered in the affirmative.

Councilperson Eckman suggested that this may be needed in this case.

City Manager Duggan relayed that this had also been requested by residents and that he would provide more information to Council.

Further discussion of the parking situation ensued.

Upon roll call vote, the following Council members voted aye: Kelley, Phelan, Worden, Beard, Dowdell, Dulaney, Eckman, and Mayor Ham. Voting nay: None.
Mayor Ham declared the Ordinance adopted.
ORDINANCE NO. 2791

10. **RESOLUTIONS**.

a. Auburn City Schools. All Auburn Blue Day. October 5, 2012.

This item was considered under Mayor's Communications.

b. Burns and Kroger, LLC dba/Bizilia's Café. 134 North College Street. Outdoor Café Permit. Public Hearing Required.

City Manager Duggan stated that this Resolution requests approval of an Outdoor Café Permit for Bizilia's Café located at 134 North College Street. He noted that the property is located in the Urban Core (UC) zoning district with an overlay of the College Edge Overlay District (CEOD) designation. He noted that a public hearing is required.

Mayor Ham declared the public hearing open.

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

10. **RESOLUTIONS (cont)**.

Councilman Kelley asked about rules for sandwich board signs downtown.

Planning Director Cotten answered that they are allowed but should not interfere with the required 5 feet of pedestrian clearance.

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. 12-184

c. Parks & Recreation Department. Alcohol Request for Kiesel Park. Nunn-Winston House. Rehearsal Dinner on March 22, 2013.

City Manager Duggan stated that this Resolution authorizes the serving and consumption of alcohol at a private event at Kiesel Park on Friday, March 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. 12-185

d. Conditional Use Approval. Goal Post C Store, LLC. Sean Foote, SR & F Architects (Authorized Representatives). Property Located at 1799 Ogletree Road. Multiple Uses (Ogletree Village Retail) in the Limited Development District (LDD) zoning district with an overlay of the Planned Development District (PDD) designation. Planning Commission Recommendation. Public Hearing Required.

City Manager Duggan stated that this Resolution requests conditional use approval for multiple uses located in the Limited Development District (LDD) zoning district with an overlay of the Planned Development Dist5rict (PDD) designation. He noted that the property is located at 1799 Ogletree Road (Ogletree Village Retail). Mr. Duggan noted that Section 803 of the Zoning Ordinance establishes procedures for the review of conditional uses, including a public hearing conducted by the City Council.

10. **RESOLUTIONS (cont)**.

He noted that the Planning Commission unanimously recommended approval of the request at its September 13, 2012 meeting subject to conditions noted in its resolution.

Mayor Ham opened the public hearing.

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

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. 12-186

e. Industrial Development Board. Tax Abatements.

(1) Aluminum Technology Schmid North America, Inc.
2410 West Tech Lane. Expansion.

City Manager Duggan said this Resolution provides abatements for non-educational ad valorem taxes and sales and use taxes for Aluminum Technology Schmid North America, Inc. He noted that Education, Hospital and Children's Home Ad Valorem and Sales and Use Taxes are not abated. This abatement is in connection with the acquisition of new equipment needed for the expansion of Aluminum Technology Schmid North America, Inc. at its existing location in Auburn Technology Park West at 2410 West Tech Lane. The company anticipates hiring 15 new employees over the next two years with a new capital investment of approximately $3.04 million.

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. 12-187

(2) MDvice, Inc. 933 Shug Jordan Parkway.

City Manager Duggan said this Resolution provides abatements for non-educational ad valorem taxes and sales and use taxes for MDvice, Inc. He noted that Education, Hospital and Children's Home Ad Valorem and Sales and Use Taxes are not abated.

10. **RESOLUTIONS (cont)**.

Mr. Duggan said this abatement is in connection with the acquisition of new equipment needed for MDvice, Inc., a new industry locating in the Auburn Industrial Park at 933 Shug Jordan Parkway. The company anticipates hiring 18 new employees over the next two years with a new capital investment of approximately $1.25 million.

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. 12-188

(3) Wuerz Precision Technologies, LLC. 2410 West Tech Lane.

City Manager Duggan said this Resolution provides abatements for non-educational ad valorem taxes and sales and use taxes for Wuerz Precision Technologies, LLC. He noted that Education, Hospital and Children's Home Ad Valorem and Sales and Use Taxes are not abated.

Mr. Duggan said this abatement is in connection with the acquisition of new equipment needed for MDvice, Inc., a new company locating in Auburn Technology Park West at 2410 West Tech Lane. The company anticipates hiring 12 new employees over the next two years with a new capital investment of approximately $2.78 million.

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. 12-189

f. Agreements and Contracts. Authorize Mayor and City Manager to Sign.

(1) Public Works Department. Kirkland Development Company. Property Located at the end of Tamplin Drive. Additional Right of Way to Construct Auburn Technology Parkway from Cox Road to Riley Street. Auburn Technology Park West. Agreement.

10. **RESOLUTIONS (cont)**.

City Manager Duggan stated that this Resolution authorizes the Mayor and City Manager to execute an Agreement with Kirkland Development Company for property located at the end of Tamplin Drive to be used as additional right of way to construct Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West.

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. 12-190

Councilperson Dulaney asked about the timeframe for getting the project started and if access to Tamplin Farms will be possible during the construction phase.

Public Works Director/City Engineer Jeff Ramsey said the project should be ready to go to bid within the next 2-3 months and access to Tamplin Farms will be provided during the construction phase.

(2) Water Resource Management Department. Purchase One (1) T750 Bobcat Compact Track Loader. Clark Equipment Company dba/Bobcat Company, Government Sales. $86,002.84. Contract.

City Manager Duggan stated that this Resolution authorizes the City Manager to execute a contract to purchase a T750 Bobcat Compact Track Loader from Clark Equipment Company dba/Bobcat Company for the government sales price of $86,002.84.

Councilperson Worden moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-191

10. **RESOLUTIONS (cont).**

g. Drainage and Utility Easements and Warranty Deed. Acceptance.

(1) Drainage and Utility Easements. Acceptance.

(a) North Lake, Inc. Asheton Lakes Subdivision, 8th Addition, Phase 2. Property Located on Monticello Drive and Concorde Court.

City Manager Duggan stated that this Resolution accepts various drainage and utility easements from North Lake, Inc. as shown on the plat, Asheton Lakes Subdivision, 8th Addition, Phase 2, located on Monticello Drive and Concorde Court.

Councilperson Phelan moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-192

(b) Cleveland Brothers, Inc. Mimms Trail Subdivision, First Revision, First Addition. Property Located at the Eastern Terminus of Mimms Lane, South of Shell Toomer Parkway.

City Manager Duggan stated that this Resolution accepts various drainage and utility easements from Cleveland Brothers, Inc. as shown on the plat, Mimms Trail Subdivision, First Revision, First Addition, located at the eastern terminus of Mimms Lane, south of Shell Toomer Parkway.

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. 12-193

(c) Compton Design Group, Inc. Portion of Joye Pass and Lot 90 of Moores Mill Club Subdivision Fourth Addition, Phase B.

City Manager Duggan stated that this Resolution accepts a drainage and utility easement from Compton Design Group, Inc. for the existing water line located in the portion of right of way on Joye Pass to be vacated.

10. **RESOLUTIONS (cont).**

Councilperson Worden moved that the resolution be adopted.
Councilperson Beard seconded the motion and all members voted aye.
Mayor Ham declared the resolution adopted.
RESOLUTION NO. 12-194

(2) Kirkland Development Company. Property Located at the end of Tamplin Drive. Right of Way to Construct Auburn Technology Park from Cox Road to Riley Street. Auburn Technology Park West. Warranty Deed. Acceptance.

City Manager Duggan stated that this Resolution accepts a Warranty Deed from Kirkland Development Company for property located at the end of Tamplin Drive to be used as right-of-way to construct Auburn Technology Parkway from Cox Road to Riley Street in Auburn Technology Park West.

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. 12-195

h. Right of Way Vacation. MMGC Properties, LLC and Compton Design Group, Inc. Vacate Portion of Joye Pass Right of Way and Authorize Mayor and City Manager to Execute Quit Claim Deeds. Public Hearing Required.

City Manager Duggan stated that this Resolution assents to the vacation of a portion of Joye Pass and authorizes the Mayor and City Manager to execute Quit Claim Deed relinquishing the property to MMGC Properties, LLC and Compton Design Group Inc. 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 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. 12-196

11. **OTHER BUSINESS**.

None.

Mayor Ham asked for comments from Council.

Councilperson Eckman reported on her trip (not at City expense) to a Smart Growth America conference recently held in Washington, D. C. She noted that she was appointed to a Local Leaders Council with the topic of the conference being smart growth in the nation's cities and towns. Councilperson Eckman and Mayor Ham discussed the need for more public transportation in the future.

12. **ADJOURNMENT.**

Councilperson Phelan moved for adjournment.
Councilperson Worden seconded the motion and all members voted aye.
Mayor Ham declared the meeting adjourned 7:38 PM.

_____
Mayor

ATTEST:

_____
City Manager