

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, October 15, 2019, at 7:01 PM in the Council Chamber of the Auburn Public Safety Building at 141 North Ross Street.

1. **CALL TO ORDER.** Mayor Anders.

Mayor Anders called the meeting to order.

2. **ROLL CALL.**

The following Councilpersons were present: Tommy Dawson, Steven Dixon, Kelley Griswold, Jay Hovey, Bob Parsons, Brett Smith, Connie Taylor, Beth Witten and Mayor Ron Anders, Jr. Absent: None. Also present was Assistant City Manager Crouch.

3. **PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE.**

Mayor Anders 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. **MAYOR AND COUNCIL COMMUNICATIONS.** Mayor Anders.

- a. Committee of the Whole.

Mayor Anders stated that at the Committee of the Whole meeting previously held the Council approved the minutes from the October 5 Committee of the Whole meeting and nominated individuals to the Tree Commission and Board of Equalization.

- b. Announcements.

- (1) Board appointment. Auburn Housing Authority. Marguerite White.

Mayor Anders announced the following:

- He reappointed Marguerite White to the Housing Authority.
- Pine Hill Lantern Tour by the Auburn Heritage Association will be held on October 17 & 18 at 7:00 PM.
- Invited everyone to attend the Tipoff at Toomers event on October 17 and the Orchestra at the Oaks event on October 18.
- Invited everyone to attend the Lake Wilmore open house on October 30 and Downtown Trick-or-Treat on October 31.

Councilperson Taylor announced the following:

- Invited everyone to a neighborhood cookout hosted by Wards 1 and 2 on October 22 at 6:00 PM at Meadows Community on Grant Street.
- She also invited everyone to a Fall Fest event at Martin Luther King Park on Saturday, October 26 at 11:00 AM.

Councilperson Griswold announced a Ward 2 meeting on October 29 at the Auburn Public Library with Assistant City Manager Crouch as the guest speaker.

- c. Purple Heart City designation.

Mayor Anders said this resolution designates the City of Auburn as a Purple Heart City in honor of those men and women in the Armed Forces who have received a Purple Heart for being wounded in combat.

4. MAYOR AND COUNCIL COMMUNICATIONS (cont).

Councilperson Smith moved that the resolution be adopted.
Councilperson Dixon seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.

RESOLUTION No. 19-255

5. AUBURN UNIVERSITY COMMUNICATIONS.

AU SGA Assistant Director of City Relations Mary Kate Hillis updated the Council about events at Auburn University.

6. CITIZENS' COMMUNICATIONS ON AGENDA ITEMS.

None.

7. CITY MANAGER'S COMMUNICATIONS. Assistant City Manager Crouch.

a. Board announcements.

- (1) Parks and Recreation Advisory Board. Two (2) vacancies. Terms begin December 1, 2019 and end November 20, 2023. Appointments November 19, 2019.
- (2) Building Board of Adjustments. Three (3) vacancies. Terms begin immediately and end November 2, 2023. Appointments November 5, 2019.
- (3) Educational Building Authority. One (1) vacancy. Term begins November 12, 2019 and ends November 11, 2025. Appointment November 5, 2019.

Assistant City Manager Crouch announced vacancies on the Parks and Recreation Advisory Board, Building Board of Adjustments and the Educational Building Authority. She added that the appointments would be made on November 5 and November 19.

8. CONSIDERATION OF CONSENT AGENDA.

Assistant City Manager Crouch asked if any items should be removed from the consent agenda for discussion.

Councilperson Griswold requested item 8a be removed from the consent agenda.

Councilperson Parsons requested item 8e(6) be removed from the consent agenda.

Councilperson Smith moved that the items on the consent agenda be adopted.
Councilperson Witten seconded the motion, and all members voted aye.
Mayor Anders declared the consent agenda items adopted.

- a. Minutes. October 1, 2019.

This item was removed from the consent agenda.

- b. Alcohol beverage license. B and B Bartending, LLC d/b/a Beta Theta Pi Parents' Day. 140 – Special Events Retail alcohol beverage license. Property located at 930 Lem Morrison Drive (Beta Theta Pi House). Special event November 1, 2019.

APPROVED

8. CONSIDERATION OF CONSENT AGENDA (cont).

- c. Tax Abatement. ID Plastics LP. Property located at 1480 Pumphrey Avenue.
Resolution 19-256
- d. Contracts and agreements.
 - (1) Stivers Ford Lincoln. Purchase one 2020 Ford F-150 Super Cab 4x4 pickup truck. \$30,476. Engineering Services Department. **Resolution 19-257**
 - (2) Aquatic Consulting & Equipment. Install gutters at Samford Pool. \$68,225. **Resolution 19-258**
 - (3) Deere & Company. Tractor purchase. \$38,480.70. Parks and Recreation Department. **Resolution 19-259**
 - (4) Musco Sports Lighting, LLC. Purchase light fixtures for Duck Samford Park, Fields 8-10. \$257,500. **Resolution 19-260**
 - (5) FSC, Inc. Install light fixtures at Duck Samford Park, Fields 8-10. \$41,800. **Resolution 19-261**
 - (6) M & C Land Services, LLC. Repair the stream bank at Town Creek Park. \$36,592.60. **Resolution 19-262**
 - (7) Stivers Ford Lincoln. Purchase one (1) 2020 Ford F-150 Super Cab 4x2 pickup truck totaling \$28,077 and one (1) 2020 Ford F-150 Crew Cab 4x4 pickup truck totaling \$35,354. Public Works Department. **Resolution 19-263**
- e. Easements and rights-of-way.
 - (1) Edgar Hughston Builder, Inc. Accept various drainage and utility easements, rights-of-way, and sanitary sewer easements. East Richland Subdivision, Phase 2. Property located at the terminus of Dunkirk Circle, east of Richland Subdivision, Phase 1 and north of Lundy West. **Resolution 19-264**
 - (2) Bailey Harris Construction Company, Inc. Accept various drainage and utility easements. Auburn Heights Subdivision, First Revision, Resubdivision of a Portion of Block "D." Property located at the southwest corner of East University Drive and Bailey Harris Drive. **Resolution 19-265**
 - (3) Southridge Properties, LLC. Accept a temporary construction easement. Property located at 1129 Opelika Road. Renew Opelika Road – Phase 4 Project. **Resolution 19-266**
 - (4) Clowdus Family Properties, LLC. Accept a temporary construction easement. Property located at 1141 Opelika Road. Renew Opelika Road – Phase 4 Project. **Resolution 19-267**
 - (5) KB Rentals, LLC. Accept a temporary construction easement. Property located at 1151 Opelika Road. Renew Opelika Road – Phase 4 Project. **Resolution 19-268**

8. CONSIDERATION OF CONSENT AGENDA (cont).

- (6) AMERCO Real Estate Company of Alabama. Accept a temporary construction easement. Property located at 1301 Opelika Road. Renew Opelika Road – Phase 4 Project.

This item was removed from the consent agenda.

- (7) Trinity Lutheran Church of Auburn. Accept a temporary construction easement. Property located at 446 South Gay Street. Project No. STPOA-4116 (250) Resurfacing, Widening, Traffic Signals, and Drainage Improvements on South College Street, Samford Avenue, Gay Street and Reese Avenue. **Resolution 19-270**

f. Board appointments.

- (1) Tree Commission. Three (3) positions. Three-year terms begin November 8, 2019 and end November 7, 2022.
Resolution 19-271 (Seth Hunt, Jennifer Morris, Donna Young)
- (2) Board of Equalization. One (1) position. Four-year term begins October 1, 2019 and ends September 30, 2023. **Resolution 19-272 (Jay Conner)**

a. Minutes. October 1, 2019.

Assistant City Manager Crouch said item 8a approves the minutes from the October 1, 2019 City Council meeting.

Councilman Griswold asked that additional details be added to future City Council minutes.

Councilperson Smith moved that the minutes be approved.

Councilperson Dixon seconded the motion, and all members voted aye.

Mayor Anders declared the minutes approved.

e. Easements and rights-of-way.

- (6) AMERCO Real Estate Company of Alabama. Accept a temporary construction easement. Property located at 1301 Opelika Road. Renew Opelika Road – Phase 4 Project.

Councilperson Smith moved that the resolution be adopted.

Councilperson Dixon seconded the motion and all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 19-269

9. ORDINANCES.

- a. Franchise agreement. Point Broadband of Opelika, LLC. Non-exclusive franchise for cable services. Unanimous consent necessary. Public hearing required.

Assistant City Manager Crouch said this ordinance authorizes a non-exclusive franchise agreement with Point Broadband of Opelika, LLC. She added that a public hearing was required.

Mayor Anders opened the public hearing.

9. **ORDINANCES (cont).**

Chad Wachter, Point Broadband authorized representative, spoke about broadband deployment in Auburn and answered questions from the Council.

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

The Council asked questions about the agreement and the coverage area.

Assistant City Manager Crouch answered the Council's questions.

Councilperson Hovey introduced the ordinance.

Assistant City Manager Crouch read the ordinance by title.

Councilperson Hovey moved that unanimous consent be granted to consider the ordinance on its first reading.

Councilperson Dixon seconded the motion.

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

Hearing no objection from the Council, Mayor Anders declared unanimous consent granted and the ordinance ready for adoption.

Upon roll call vote, the following Council members voted aye: Dawson, Dixon, Griswold, Hovey, Parsons, Smith, Taylor, Witten and Mayor Anders. Voting nay: None.

Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3182

- b. Annexations. Planning Commission recommendations. Unanimous consent necessary.

- (1) Katherine and David Manley. Approximately 1.03 acres. Property located at 505 Lee Road 110 (Colonial Drive).

Assistant City Manager Crouch said this ordinance annexes approximately 1.03 acres located at 505 Lee Road 110 (Colonial Drive).

Councilperson Dawson introduced the ordinance.

Assistant City Manager Crouch read the ordinance by title.

Councilperson Dawson moved that unanimous consent be granted to consider the ordinance on its first reading.

Councilperson Smith seconded the motion.

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

Hearing no objection from the Council, Mayor Anders declared unanimous consent granted and the ordinance ready for adoption.

The Council asked questions about the annexation.

Assistant City Manager Crouch answered the Council's questions.

Upon roll call vote, the following Council members voted aye: Dixon, Griswold, Hovey, Parsons, Smith, Taylor, Witten, Dawson and Mayor Anders. Voting nay: None.

Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3183

9. **ORDINANCES (cont).**

- (2) Jean M. Peterson. Victor Peterson (authorized representative).
Approximately 3.3 acres. Property located at 2452 Lee Road 159 (Wrights Mill Road).

Assistant City Manager Crouch said this ordinance annexes approximately 3.3 acres located at 2452 Lee Road 159 (Wrights Mill Road).

Councilperson Dawson introduced the ordinance.

Assistant City Manager Crouch read the ordinance by title.

Councilperson Dawson moved that unanimous consent be granted to consider the ordinance on its first reading.

Councilperson Smith seconded the motion.

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

Hearing no objection from the Council, Mayor Anders declared unanimous consent granted and the ordinance ready for adoption.

The Council asked questions about the annexation.

Assistant City Manager Crouch answered the Council's questions.

Upon roll call vote, the following Council members voted aye: Griswold, Hovey, Parsons, Smith, Taylor, Witten, Dawson, Dixon and Mayor Anders. Voting nay: None.

Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3184

- c. Zoning. Planning Commission recommendations. Unanimous consent necessary. Public hearings required.

- (1) Zoning ordinance text amendments. Amend Article IV (General Regulations), Article V (Detailed Use Regulations), Article VIII (Development Approval Process), and Article IX (Administration and Enforcement) for the purpose of integrating street classifications from the Engineering Design and Construction Manual with the Corridor Overlay Area Regulations.

Assistant City Manager Crouch said this ordinance amends Article IV (General Regulations), Article V (Detailed Use Regulations), Article VIII (Development Approval Process), and Article IX (Administration and Enforcement) of the zoning ordinance. She added that a public hearing was required.

Mayor Anders opened the public hearing.

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

Councilperson Parsons introduced the ordinance.

Assistant City Manager Crouch read the ordinance by title.

Councilperson Parsons moved that unanimous consent be granted to consider the ordinance on its first reading.

Councilperson Dixon seconded the motion.

Mayor Anders 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 Anders declared unanimous consent granted and the ordinance ready for adoption.

Upon roll call vote, the following Council members voted aye: Hovey, Parsons, Smith, Taylor, Witten, Dawson, Dixon, Griswold and Mayor Anders. Voting nay: None.

Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3185

- (2) Green River Real Estate Investment, LLC. David Kahn (authorized representative). Rezone approximately 3.18 acres from Rural (R) to Comprehensive Development District (CDD). Property located at 2826 Cox Road.

Assistant City Manager Crouch said this ordinance amends Article IV (General Regulations), Article V (Detailed Use Regulations), Article VIII (Development Approval Process), and Article IX (Administration and Enforcement) of the zoning ordinance. She added that a public hearing was required.

Mayor Anders opened the public hearing.

Lulu Whigham Marabel (2762 Cox Road) opposed the rezoning.

Dr. Steve Hamrick (2071 Fieldview Drive) opposed the rezoning.

Amy Langford (2021 Fieldview Drive) opposed the rezoning.

Lindburgh B. Jackson (814 N. College Street) opposed the rezoning.

Adam Ficken (2060 Fiedview Drive) opposed the rezoning.

Travis Wisdom (2353 Bent Creek Road) supported the rezoning.

Clay Langford (2021 Fieldview Drive) opposed the rezoning.

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

Councilperson Witten introduced the ordinance.

Assistant City Manager Crouch read the ordinance by title.

Councilperson Witten moved that unanimous consent be granted to consider the ordinance on its first reading.

Councilperson Parsons seconded the motion.

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

Hearing no objection from the Council, Mayor Anders declared unanimous consent granted and the ordinance ready for adoption.

The Council asked questions about the rezoning.

Assistant City Manager Crouch answered the Council's questions.

9. **ORDINANCES (cont).**

Upon roll call vote, the following Council members voted aye: Parsons, Witten, Dixon, Hovey and Mayor Anders. Voting nay: Taylor, Dawson and Griswold. Abstaining: Smith
Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3186

- (3) East Glenn Investment Properties, LLC. Brett Basquin (authorized representative). Amend the Planned Development District designation on 30.62 acres (Samford Village PDD Amendment – Assisted Living). Property located at the southwestern corner of East Samford Avenue and East Glenn Avenue.

Assistant City Manager Crouch said this ordinance amends the Planned Development District designation on 30.62 acres.

Mayor Anders opened the public hearing.

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

Councilperson Witten introduced the ordinance.

Assistant City Manager Crouch read the ordinance by title.

Councilperson Witten moved that unanimous consent be granted to consider the ordinance on its first reading.

Councilperson Dixon seconded the motion.

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

Hearing no objection from the Council, Mayor Anders declared unanimous consent granted and the ordinance ready for adoption.

Upon roll call vote, the following Council members voted aye: Smith, Taylor, Witten, Dawson, Dixon, Griswold, Hovey, Parsons and Mayor Anders. Voting nay: None.
Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3187

10. **RESOLUTIONS.**

- a. Conditional use approvals. Planning Commission recommendations. Public hearings required.

- (1) East Glenn Investment Properties, LLC. Brett Basquin (authorized representative). Institutional use (assisted living facility) (Samford Village Assisted Living Conditional Use) in the Comprehensive Development District (CDD) zoning district with an overlay of the Planned Development District (PDD) designation. Property located at the terminus of Samford Village Court.

Assistant City Manager Crouch said this resolution authorizes conditional use approval for an institutional use (Samford Village Assisted Living Conditional Use). She added that a public hearing was required.

Mayor Anders opened the public hearing.

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

10. **RESOLUTIONS (cont).**

Councilperson Witten moved that the resolution be adopted.

Councilperson Dixon seconded the motion, and all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 19-273

- (2) 3J's Properties, LLC. Robert Oglesby (authorized representative).
Recreational rental dwelling use (RV park) (3J's RV Park) in the Rural (R)
zoning district. Property located at 341 Willis Turk Road.

Assistant City Manager Crouch said this resolution authorizes conditional use approval for a recreational rental dwelling use (3J's RV Park). She added that a public hearing was required.

Mayor Anders opened the public hearing.

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

The Council asked questions about the conditional use.

Assistant City Manager Crouch answered the Council's questions.

Councilperson Smith moved that the resolution be adopted.

Councilperson Parsons seconded the motion, and the following members voted aye: Dawson, Dixon, Griswold, Hovey, Parsons, Smith, Taylor and Mayor Anders. Voting nay: Witten.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 19-274

- (3) Lagasse Construction. Felix Lagasse (authorized representative).
Performance residential development (two (2) academic detached
dwelling units) in the Neighborhood Redevelopment District (NRD)
zoning district. Property located at 321 and 325 Canton Avenue.

Assistant City Manager Crouch said this resolution authorizes conditional use approval for a performance residential development (321 & 325 Canton Avenue) She added that a public hearing was required.

Mayor Anders opened the public hearing.

Elizabeth Hill (274 Bragg Avenue) opposed the conditional use.

Lindburgh B. Jackson (814 N. College Street) opposed the conditional use.

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

The Council asked questions about the conditional use.

Assistant City Manager Crouch answered the Council's questions.

Councilperson Witten moved that the resolution be adopted.

Councilperson Dixon seconded the motion and the following members voted aye: Hovey and Smith. Voting Nay: Dawson, Dixon, Griswold, Parsons, Taylor, Witten and Mayor Anders.

Mayor Anders declared the resolution failed.

10. RESOLUTIONS (cont).

Councilperson Witten stated the reasons for voting for denial on the conditional use request were health, safety and welfare concerns, specifically, traffic and density. The other dissenting Council members agreed with the reasons stated by Councilperson Witten.

- (4) Buckaroo Enterprises, LLC. Travis Gamble (authorized representative). Performance residential development (private dormitory) (Buckner Property) in the Urban Neighborhood – South (UN-S) zoning district. Property located at 355 Armstrong Street.

Assistant City Manager Crouch said this resolution authorizes conditional use approval for a performance residential development (Buckner Property). She added that a public hearing was required.

Mayor Anders opened the public hearing.

Carolyn Carr (342 Payne Street) spoke on behalf of her neighborhood in opposition to the conditional use.

Bill Caskey (521 Samford Ave) opposed the conditional use request.

Ryan Casadaban (801 S Gay Street) encouraged the Council to approve the conditional use.

Behzad Nakhjavan architect for Buckaroo Enterprises, answered some questions regarding the topic.

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

Councilperson Witten moved that the resolution be adopted.
Councilperson Smith seconded the motion.

The Council asked questions about the conditional use.

Assistant City Manager Crouch answered the Council's questions.

After the discussion, Councilperson Witten moved to withdraw the motion for approval.

There were no objections from the Council.

Councilperson Witten moved to table the resolution until November 5, 2019.
Councilperson Smith seconded the motion, and the following members voted aye: Dixon, Griswold, Hovey, Parsons, Smith, Taylor, Witten, and Mayor Anders. Voting nay: Dawson.
Mayor Anders declared the resolution tabled to the November 5, 2019 City Council meeting.

- b. HP Auburn, LLC. Vacation of the sidewalk easements along Genelda Avenue and authorize the mayor and city manager to execute a quit-claim deed. 320 Magnolia Development. Public hearing required.

Assistant City Manager Crouch said this resolution vacates the sidewalk easement along Genelda Avenue and authorizes the mayor and city manager to execute a quit-claim deed relinquishing the property HP Auburn, LLC. She added that a public hearing was required.

Mayor Anders opened the public hearing.

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

10. RESOLUTIONS (cont).

Councilperson Smith moved that the resolution be adopted.
Councilperson Dixon seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.

RESOLUTION No. 19-275

11. OTHER BUSINESS.

Councilperson Dawson stated he is concerned about traffic on Cox Road.

Councilperson Parsons shared an article from a Tuscaloosa newspaper regarding student housing development fees.

12. CITIZENS' OPEN FORUM.

Lindburgh B. Jackson (814 N. College Street) inquired about a CDBG rehabilitation loan.

David Williams (address unknown) requested information about a CDBG rehabilitation loan.

13. ADJOURNMENT.

Councilperson Smith moved that the meeting be adjourned.
Councilperson Dixon seconded the motion and all members voted aye.
The meeting was adjourned at 9:47 PM.

Mayor

ATTEST:

City Manager