

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, April 21, 2020, at 7:00 PM by means of the Zoom video conferencing web application.

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 City Manager Buston.

3. **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 April 7 Committee of the Whole meeting, discussed renaming Mike Hubbard Boulevard and made a nomination to the Board of Education.

b. Announcements.

Mayor Anders expressed how important it was for the citizens of Auburn to participate in the 2020 Census. He announced he would be signing a proclamation this month for Sexual Assault Awareness. He said the city would continue practicing the COVID-19, "Stay Home Order" until the end of the month, when Governor Kay Ivey will address the state and give an update on the pandemic.

Councilperson Dawson thanked the Police Division for their efforts in the recent case on Highway 280 and sent his condolences to the Nash family.

Councilperson Parsons said the Facebook group, East Alabama Mask Makers had made over 15,000 masks statewide and encouraged citizens to contact the group if they needed masks.

4. **CITIZENS' COMMUNICATIONS ON AGENDA ITEMS.**

None.

5. **CITY MANAGER'S COMMUNICATIONS.** City Manager Buston.

None.

6. **CONSIDERATION OF CONSENT AGENDA.**

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

There were no requests to remove any items from the consent agenda.

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

a. Minutes. April 7, 2020. **APPROVED.**

b. Contract. Pro-Vision. Purchase ten (10) In-car Video Two-camera Systems with SecuraMax Cloud storage. \$59,600. **RESOLUTION No. 20-092**

6. **CONSIDERATION OF CONSENT AGENDA (cont).**

c. Easements.

- (1) Barrett, Hood, & Satterwhite, LLC. Accept various drainage and utility easements. Bent Creek Commercial Park, Redivision of Lot B-2E. Property located at 2320 East Glenn Avenue. **RESOLUTION No. 20-093**
- (2) Burton Place at Midtown, LLC. Accept various sewer easements. Burton Place at Midtown, Redivision of Part of Block 145 Chambers Map of Auburn. Property located at 315 East Magnolia Avenue. **RESOLUTION No. 20-094**
- (3) Clayton Properties, Inc. Accept various rights-of-way and drainage and utility easements. Woodward Oaks Subdivision, Phase 3. Property located at the northern terminus of James Burt Parkway. **RESOLUTION No. 20-095**
- (4) Tiger Crossing General Partnership. Accept various rights-of-way, drainage and utility easements, and greenway access easements. Longleaf Crossing, Phase 5A. Property located at the southern terminus of Downs Way. **RESOLUTION No. 20-096**
- (5) Tiger W-M, LLC. Accept various drainage and utility easements. Dyas Subdivision, Redivision and Addition to Lot 1, Redivision of Lot 3. Property located on East Longleaf Drive east of South College Street. **RESOLUTION No. 20-097**

- d. Board appointment. Board of Education. One (1) position. Term begins June 1, 2020 and ends May 31, 2025. **RESOLUTION No. 20-098 (Melanie Chambliss)**

7. **ORDINANCES.**

- a. Adopt regulations for small cell wireless facilities, associated structures and equipment. Unanimous consent necessary.

City Manager Buston said this ordinance adopts regulations for small cell wireless facilities, associated structures and equipment.

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

Councilperson Witten seconded the motion.

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

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

Councilperson Smith moved that the ordinance be adopted.

Councilperson Dixon seconded the motion.

Councilperson Parsons asked for an overview of this item.

City Manager Buston provided the overview.

7. **ORDINANCES (cont).**

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

**ORDINANCE NO. 3218**

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

- (1) Auburn City Board of Education. Approximately 31.89 Acres located on West Farmville Road, east of North Donahue Drive and west of Miracle Road.

City Manager Buston said this ordinance annexes approximately 31.89 acres.

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

Councilperson Parsons seconded the motion.

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

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

Councilperson Smith moved that the ordinance be adopted.

Councilperson Dixon seconded the motion.

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

**ORDINANCE NO. 3219**

- (2) Vickey Hawkins. Approximately 4.5 acres located on the north side of Sandhill Road near its intersection with Lee Road 26.

City Manager Buston said this ordinance annexes approximately 4.5 acres.

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

Councilperson Smith seconded the motion.

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

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

Councilperson Smith moved that the ordinance be adopted.

Councilperson Dixon seconded the motion.

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

**ORDINANCE NO. 3220**

- (3) Tommy Ambus. Samantha Wenck. Approximately 3.0 acres located at 254 Lee Road 57 (Willis Turk Road).

City Manager Buston said this ordinance annexes approximately 3.0 acres.

7. **ORDINANCES (cont).**

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

Councilperson Dawson seconded the motion.

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

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

Councilperson Smith moved that the ordinance be adopted.

Councilperson Dixon seconded the motion.

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

Mayor Anders declared the ordinance adopted.

**ORDINANCE NO. 3221**

- c. Zoning. P & T Properties, LLC. Dilworth Development. David Slocum (authorized representative). Amend Ordinance 3137. Amend the PDD designation on 557.92 acres for the addition of approximately 10 acres to be included in the PDD and revisions to approved land uses in Section B2 and E2. Additionally, the previously approved Recreational Rental Dwelling is being removed and will revert to golf course. Planning Commission recommendation. Unanimous consent necessary. Public hearing required.

City Manager Buston said this ordinance amends the Yarbrough Farms PDD designation. He added that a public hearing was required.

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

Councilperson Smith seconded the motion.

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

Mayor Anders opened the public hearing.

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

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

Councilperson Smith moved that the ordinance be adopted.

Councilperson Hovey seconded the motion.

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

Mayor Anders declared the ordinance adopted.

**ORDINANCE NO. 3222**

- d. Zoning ordinance amendments. Article II (Definitions), Article III (Establishment of Zoning Districts), Article IV (General Regulations), and Article V (Detailed Use Regulations). Zoning Ordinance text amendments-Cox and Wire Road Corridor Focus Area Study. Planning Commission recommendation. Unanimous consent necessary. Public hearing required.

7. **ORDINANCES (cont).**

City Manager Buston said this ordinance amends the zoning ordinance for the Cox and Wire Road Corridor Focus Area Study. He added that a public hearing was required.

Councilperson Dawson said he had heard from constituents and they needed more time to consider this change therefore he moved that this item be postponed until the June 2, 2020 city council meeting.

Councilperson Griswold seconded the motion and all members voted aye.

Mayor Anders declared the motion carried.

- e. Working capital loan interest subsidy program. Unanimous consent necessary. Public hearings required.

- (1) River Bank & Trust. Jewelry by Design, Inc.

City Manager Buston said this ordinance authorizes an Economic Development Commercial Loan Interest Subsidy Agreement between the City of Auburn and River Bank & Trust. He added that a public hearing was required.

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

Councilperson Dixon seconded the motion.

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

Mayor Anders opened the public hearing.

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

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

Councilperson Smith moved that the ordinance be adopted.

Councilperson Dixon seconded the motion.

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

Mayor Anders declared the ordinance adopted.

**ORDINANCE NO. 3223**

- (2) Troy Bank & Trust. SouthernRoots MMW, LLC.

City Manager Buston said this ordinance authorizes an Economic Development Commercial Loan Interest Subsidy Agreement between the City of Auburn and Troy Bank & Trust. He added that a public hearing was required.

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

Councilperson Griswold seconded the motion.

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

Mayor Anders opened the public hearing.

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

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

7. **ORDINANCES (cont).**

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

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

**ORDINANCE NO. 3224**

(3) Bancorp South. Chiz Restaurants, LLC.

City Manager Buston said this ordinance authorizes an Economic Development Commercial Loan Interest Subsidy Agreement between the City of Auburn and Bancorp South. He added that a public hearing was required.

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

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

Mayor Anders opened the public hearing.

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

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

Councilperson Dixon moved that the ordinance be adopted.  
Councilperson Smith seconded the motion.

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

**ORDINANCE NO. 3225**

(4) Southern States Bank. Auburn Pediatric Dentistry, PC. Auburn Pharmacy. Auburn Hospitality Group, LLC. Champion Bistro, LLC.

City Manager Buston said this ordinance authorizes an Economic Development Commercial Loan Interest Subsidy Agreement between the City of Auburn and Southern States Bank. He added that a public hearing was required.

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

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

Mayor Anders opened the public hearing.

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

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

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

**7. ORDINANCES (cont).**

Councilperson Griswold moved to divide the items in the ordinance to address each of the loans individually.

Councilperson Parsons seconded the motion.

The Council discussed the motion to divide.

Councilperson Witten moved to call the question on the motion to divide the items in the ordinance to address each of the loans individually and requested a roll call vote.

Councilperson Dixon seconded the motion.

The following members voted aye: Griswold, Parsons, Taylor, and the following members voted nay: Dixon, Hovey, Smith, Witten and Anders.

Mayor Anders declared the motion failed.

Mayor Anders stated that there was still a motion and a second to adopt the ordinance as presented.

Council members requested that discussion on the Economic Development Commercial Loan Interest Subsidy program continue under Other Business.

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

Mayor Anders declared the ordinance adopted.

**ORDINANCE NO. 3226**

**8. RESOLUTIONS.**

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

- (1) Clayton Properties Group, Inc. Brett Basquin (authorized representative). Outdoor recreational/subdivision amenity use (pool/poolhouse). Woodward Oaks Amenity Lot. Property located at 400 Grey Oak Circle.

City Manager Buston said this resolution approves conditional use approval for an outdoor recreational/subdivision amenity use. He 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 Dixon moved that the resolution be adopted.

Councilperson Parsons seconded the motion and all members voted aye.

Mayor Anders declared the resolution adopted.

**RESOLUTION No. 20-099**

- (2) East Glenn Investment Property, LLC. Brett Basquin (authorized representative). Road service use (fast food restaurant with drive-thru). Glenn Strip Retail. Property located at the East Glenn Avenue, East Samford Avenue, and Samglenn Drive intersection.

City Manager Buston said this resolution approves conditional use approval for a road service use. He 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.

**8. RESOLUTIONS (cont).**

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

**RESOLUTION No. 20-100**

- (3) Lewis A. Pick, III. John Ronney Watson (authorized representative).  
Commercial recreation uses (pickleball courts and miniature golf course).  
LawnGolf USA Commercial Recreational Conditional use. Property located  
at the southwest corner of East University Drive and Dekalb Street  
intersection.

City Manager Buston said this resolution approves conditional use approval for a commercial recreation use. He added that a public hearing was required.

Councilperson Dixon moved for approval.  
Councilperson Smith second the motion.

Mayor Anders opened the public hearing.

The following people spoke with concerns:

- John Hartley (775 Bruce Court)
- Cathleen Giustino (822 Cheyenne Avenue)
- Victoria Santos (876 Tulane Road)

Mayor Anders closed the public hearing.

Councilperson Witten led a discussion to address the concerns and asked the council to consider postponing this item until the May 19, 2020 meeting to allow more time to receive additional information from the applicant.

Councilperson Dixon withdrew his original motion.  
Councilperson Witten moved to postpone this item until the May 19 City Council meeting.  
Councilperson Smith seconded the motion and all members voted aye.  
Mayor Anders declared the motion carried.

**9. OTHER BUSINESS.**

The council continued its discussion on the Economic Development Commercial Loan Interest Subsidy program.

**10. ADJOURNMENT.**

Councilperson Smith moved that the meeting be adjourned.  
Councilperson Witten seconded the motion, and all members voted aye.  
The meeting was adjourned at 8:54 PM.

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Mayor

ATTEST:

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City Manager