

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, May 19, 2020, at 7:11 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, Connie Taylor, Beth Witten, and Mayor Ron Anders, Jr. Absent: Brett Smith. 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 May 5 Committee of the Whole meeting, discussed honoring the Auburn High School senior class and had a discussion of an agenda item that he did not participate in.

b. Announcements.

Mayor Anders discussed the following:

- The United Way as a conduit of support during this time.
- He reminded everyone to complete the Census.
- He said the Memorial Day ceremony will be livestreamed for anyone interested in watching it. He added that the breakfast will be held on Veterans Day along with the Veterans Day ceremony.
- He read a proclamation honoring Police Officer William Buechner, who was killed in the line of duty on May 19, 2019.
- He provided an update with the latest information on COVID-19.

Councilperson Taylor asked if the City is imposing any COVID-19 regulations on businesses.

City Manager Buston said the City's role will be that of educator instead of enforcer when it comes to COVID-19 regulations.

Councilperson Witten congratulated Councilperson Brett Smith and family on the arrival of their 3rd child born on Monday.

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

None.

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

- a. Board announcement. Planning Commission. Two (2) vacancies. Six-year terms begin August 1, 2020, and end July 31, 2026. Appointment July 21, 2020.

City Manager Buston announced two vacancies on the Planning Commission. He said the appointments would be made at the July 21, 2020, council meeting.

6. **CONSIDERATION OF CONSENT AGENDA.**

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

There were no items removed from the consent agenda.

Councilperson Witten moved that the items on the consent agenda be adopted.

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

Mayor Anders declared the consent agenda items adopted.

- a. Minutes. May 5, 2020. **APPROVED**
- b. Concurrence. Industrial Development Board. Associated Mechanical Contractors, Inc. Sell the industrial facility located at 375 Industry Drive. Auburn Industrial Park. **Resolution No. 20-109**
- c. Contracts.
 - (1) Building & Earth Sciences, Inc. Construction materials testing and special inspection services. Wright Street Parking Deck Project. \$94,500. **Resolution No. 20-110**
 - (2) JLD Enterprises, LLC. Construction of the Cox Road Widening Project. \$1,513,108.36. **Resolution No. 20-111**
- d. Easements and rights-of-way. Dilworth Development, Inc. Accept various drainage and utility easements and rights-of-way. Farmville Lakes, Phase 5-A. Property located at the southwest corner of East Farmville Road and Farmville Lake Drive. **Resolution No. 20-112**

7. **ORDINANCES.**

- a. “Back to School” sales tax holiday. Exempt certain items from city sales tax. Friday, July 17, through Sunday, July 19, 2020. Unanimous consent necessary.

City Manager Buston said this ordinance approves the “Back to School” sales tax holiday.

7. ORDINANCES (cont).

Councilperson Dawson 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, Taylor, Witten and Mayor Anders. Voting nay: None.

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

Councilperson Dawson moved that the ordinance be adopted.

Councilperson Taylor seconded the motion.

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

ORDINANCE NO. 3229

- b. Working capital loan interest subsidy program. AuburnBank. Auburn Oil Company Booksellers, LLC. Drafthouse of Auburn, LLC. Unanimous consent necessary. Public hearing required.

City Manager Buston said this ordinance authorizes an Economic Development Commercial Loan Interest Subsidy Agreement between the City of Auburn and AuburnBank. 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 Parsons seconded the motion.

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

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

Mayor Anders opened the public hearing.

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

Councilperson Dixon moved that the ordinance be adopted.

Councilperson Parsons seconded the motion.

7. **ORDINANCES (cont).**

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

ORDINANCE NO. 3230

- c. Commercial development agreement. Midtowne Coffee, LLC. Well Red. Unanimous consent necessary. Public hearing required.

City Manager Buston said this ordinance approves a commercial development agreement with Midtowne Coffee, LLC. 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 Witten seconded the motion.

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

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

Mayor Anders opened the public hearing.

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

Councilperson Witten moved that the ordinance be adopted.

Councilperson Parsons seconded the motion.

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

Mayor Anders declared the ordinance adopted.

ORDINANCE NO. 3231

- d. Private dormitories and academic detached dwelling units moratorium extension. Unanimous consent necessary.

City Manager Buston said this ordinance extends the moratorium on private dormitories and academic detached dwelling units.

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

Councilperson Parsons seconded the motion.

7. ORDINANCES (cont).

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

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

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

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

ORDINANCE NO. 3232

8. RESOLUTIONS.

- a. Vacation of right-of-way and execute a quit-claim deed. Land of Auburn, LLC. Portion of right-of-way on Bonny Glen Road. Brentwood Subdivision. Public hearing required.

City Manager Buston said this resolution vacates a portion of right-of-way to Land of Auburn, LLC and authorizes the mayor and city manager to execute a quit-claim deed. 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 Parsons moved that the resolution be adopted.
Councilperson Dixon seconded the motion and all members voted aye.
Mayor Anders declared the resolution adopted.

RESOLUTION No. 20-113

- b. Conditional use approvals. Planning Commission recommendations.
 - (1) West Pace, LLC. Moses Eason (authorized representative). Extend the conditional use approval for a commercial support use (climate-controlled storage building and mini-warehouse) and a road service use (truck/trailer sharing). West Pace U-Haul. Property located on West Creek Parkway, adjacent to Lynch Automotive.

City Manager Buston said this resolution extends conditional use approval for a commercial support use and a road service use.

8. RESOLUTIONS (cont).

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

RESOLUTION No. 20-114

- (2) 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. POSTPONED FROM APRIL 21, 2020 COUNCIL MEETING.

City Manager Buston said this resolution authorizes conditional use approval for commercial recreation uses. He added that this item was postponed from the April 21, 2020 council meeting.

Councilperson Witten said a representative for the project, Mr. Andrew Gosselin, was in attendance if he would like to talk about the project.

Mr. Gosselin spoke about the project.

Councilperson Witten moved that the resolution be adopted.

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

RESOLUTION No. 20-115

- (3) CL&S Subdivisions, LLC. Rob Selby (authorized representative).
Performance residential development (multiple family development).
Academy Condominiums. Property located at 1630 Academy Drive. Public
hearing required.

City Manager Buston said this resolution authorizes conditional use approval for a performance residential development. 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 Hovey seconded the motion and all members voted aye.
Mayor Anders declared the resolution adopted.

RESOLUTION No. 20-116

8. RESOLUTIONS (cont).

Mayor Anders recused himself from the remainder of the meeting and left the premise.

Mayor Pro Tem Witten presided over the rest of the meeting.

- (4) Anders Enterprises, LLC. Parker Lewis (authorized representative). Commercial and entertainment use (hotel). Graduate Hotel. Property located at 202 West Magnolia Avenue. Public hearing required.

City Manager Buston said this resolution authorizes conditional use approval for a hotel located at 202 and 212 West Magnolia Avenue. He added that a public hearing was required.

Mayor Pro Tem Witten opened the public hearing.

Graduate Hotels Chief Investment Officer Tim Ryan (1225 N. Wells Street, Chicago, IL) spoke about the project.

Brian Wirth (211 S. Gay Street) expressed concerns about the traffic impact and parking requirements of the project.

Kim Wirth (211 S. Gay Street) expressed concerns about the parking requirements of the project.

Stone Ray (345 Genelda Avenue, Apt. B) spoke about urban design and said the vote tonight is to decide if Wright Street and Magnolia Avenue is an appropriate location for a hotel.

Auburn Chamber of Commerce President Lolly Steiner (714 E. Glenn Avenue) said she talked to her counterpart in Oxford, MS about The Graduate Hotel in Oxford. The Oxford Chamber was very complimentary of The Graduate and considered it an amenity in their downtown for both residents and visitors.

Victoria Santos (876 Tulane Road) said the Council should listen to the citizens' comments and that there was lot of good conversation and points. She thinks it is a nice project but there are some logistical issues that will need to be addressed and should be considered.

Parker Lewis of Hydro Engineering spoke about the project and answered some questions about the timeline of the traffic study, valet access and drop-off, parking and the general design and approval process.

There being no further comments from the audience, Mayor Pro Tem Witten closed the public hearing.

8. RESOLUTIONS (cont).

Councilperson Dawson moved that the resolution be adopted.
Councilperson Hovey seconded the motion.

Councilperson Dixon asked if there had been other variances granted that amount to half the required number of parking spaces.

Planning Director Forrest Cotten said in its current form this would be the largest waiver that he has seen to this point in time. He further stated that the Planning Director has had the authority to grant parking waivers since 2012, and he has reviewed fewer than 10 requests in 8 years. Of the waiver requests that have been submitted, half of them have been for hotels, including The Collegiate and The Graduate.

Councilperson Dixon asked if the Planning Director had a parking recommendation to share.

Planning Director Cotten said that the waiver request was under review and that he would conduct his own analysis and benchmarking and take the time necessary to reach his conclusion.

Councilperson Griswold said a hotel at this location would be a good use eventually and that he has been to the Graduate Hotel in Oxford and was impressed with that property, but he believes that the Council is considering not just a generic use for a commercial and entertainment use but they are considering a specific use for a project that is before them. He further stated that the Council took two Council meetings to discuss use approval for a previous agenda item and he thinks it is appropriate that the Council discuss the project before them and not just a hotel in general. Councilperson Griswold noted that the Planning Director gave the Planning Commission the opportunity to wait on his parking decision prior to acting on the conditional use.

Councilperson Griswold moved to postpone the agenda item to a specific date so the Council can consider the overall recommendation from the Planning Director and so the Council isn't voting on something generic in nature.

Mayor Pro Tem Witten asked the City Manager to address Mr. Griswold's motion.

City Manager Buston clarified that Councilperson Griswold was within his rights to request a postponement of the agenda item. He said that the motion would need a second and to be voted on by the Council in order to be postponed.

Mayor Pro Tem Witten asked if there was a second to Councilperson Griswold's motion to postpone the agenda item to a date certain.

Councilperson Taylor asked if the Council was just voting on a conditional use for a hotel or if the Council was voting on project specific issues such as parking.

Mayor Pro Tem Witten asked the City Manager to explain the agenda item that is before the Council.

8. RESOLUTIONS (cont).

City Manager Buston stated that the Council is voting on a motion for conditional use approval for a hotel located at 202 and 212 West Magnolia Avenue. He further explained that Councilperson Griswold made a motion to postpone the conditional use request for a month. The question before the Council is whether you want to vote on this item tonight or vote to postpone it for a month. Mr. Griswold has made a motion to postpone and if there was a second, then there would be a vote to postpone.

Mayor Pro Tem asked if there was a second for Mr. Griswold's motion.

There was no second to the motion. The motion failed.

Mayor Pro Tem Witten said that the Council would continue with discussion on the original motion.

Mayor Pro Tem Witten asked Mr. Lewis to explain the waiver request.

Mr. Lewis explained the waiver and the requested number of parking spaces.

Councilperson Parsons said he likes the prospect of having the hotel in Auburn and thinks there are rumors that public funds and resources will be used to subsidize the parking. He asked Mr. Lewis to address the rumors.

Mr. Lewis said the hotel will not be partnering with the City or Auburn University for parking.

Councilperson Taylor asked if the parking spaces will accommodate employees and guests of the hotel.

Mr. Tim Ryan explained that the parking numbers are holistic and added that the hotel will employ around 65 full time workers and around 100 part-time workers.

Councilperson Hovey said he appreciates the conversation, but this approval just starts the planning process for the hotel.

Councilperson Dawson agreed with Mr. Hovey and noted that the company is investing \$65 million in the city without any incentives.

Mayor Pro Tem Witten said it's important to recognize the time and investment the applicant has put into finding a home in Auburn, the City Council has determined in the past that a hotel is an appropriate use in the urban core and that conditional use approval has been granted prior to parking being determined. She added that the applicant will still have to go through Development Review Team, the Downtown Design Review Committee, a traffic study, seek approval for the parking waiver and possibly seek approval for a development agreement from the City Council.

8. RESOLUTIONS (cont).

Councilperson Dawson moved that the resolution be adopted.
Councilperson Hovey seconded the motion and all members voted aye.
Mayor Pro Tem Witten declared the resolution adopted.

RESOLUTION No. 20-117

9. OTHER BUSINESS.

None.

10. ADJOURNMENT.

Councilperson Parsons moved that the meeting be adjourned.
Councilperson Dawson seconded the motion, and all members voted aye.
The meeting was adjourned at 9:15 PM.

Mayor

ATTEST:

City Manager