

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, October 19, 2021, at 7:00 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, Bob Parsons, Brett Smith, Beth Witten and Mayor Ron Anders, Jr. Absent: Jay Hovey and Connie Taylor. Also present was 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 Educational Building Authority and the Tree Commission.

b. Announcements.

Mayor Anders announced upcoming events and thanked various groups for hosting him over the last two weeks.

Councilperson Dawson said he hosted a Ward 8 meeting on October 4 with a good turnout and added that developers spoke about a proposed project for a retirement community.

Councilperson Griswold commended Zachary Bryant for saving an 11-year old from drowning and he announced that as of September 30, 2021 Councilperson Dixon's lawsuit has cost the city \$32,109.16.

Councilperson Parsons announced a Ward 6 meeting on November 3 at the Jim Buston Meeting Room and said City Manager Crouch will be in attendance to answer questions from residents.

Councilperson Witten said the roundabout is open at College Street and Farmville Road. She also noted the passing of Greg Bradshaw, an active member of the Downtown Merchants Association.

5. **AUBURN UNIVERSITY COMMUNICATIONS.**

AU SGA Director of City Relations Anna Coker updated the Council about events at Auburn University.

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

None.

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

a. Board announcement. Parks and Recreation Advisory Board. Two (2) vacancies. Appointments November 16, 2021.

City Manager Crouch announced two vacancies on the Parks and Recreation Advisory Board. She said the appointments will be made at the November 16 City Council meeting.

8. **CONSIDERATION OF CONSENT AGENDA.**

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

Councilperson Dixon asked to remove item 8d(1).

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

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

Mayor Anders declared the consent agenda items adopted.

- a. Minutes. October 5, 2021. **APPROVED**
- b. Alcohol beverage license. Jose Luis Escalera, LLC d/b/a Tekila Mexican Bar and Grill. 020 – Restaurant Retail Liquor alcohol beverage license. Property located at 234 West Magnolia Avenue, Suite C. **APPROVED**
- c. Community Services. Authorize submission of a Formal Amendment to the State of Alabama Community Development Block Grant – CV (CDBG-CV) Award.
RESOLUTION No. 21-210
- d. Contracts and agreements.
 - (1) National Auto Fleet Group. Purchase one (1) 2022 Ford F-150 XL 2WD Reg Cab. Inspection Services Department. \$30,992.70.

This item was removed from the consent agenda.

- (2) Beard Equipment Company. Purchase one (1) infield machine. Parks and Recreation Department. \$16,988.28. **RESOLUTION No. 21-212**
 - (3) Bobcat of Opelika. Purchase one (1) compact track loader. Parks and Recreation Department. \$109,363.83. **RESOLUTION No. 21-213**
 - (4) East Alabama Healthcare Authority d/b/a East Alabama EMS, LLC. Emergency response, rescue and ambulance services annual contract. \$345,476. **RESOLUTION No. 21-214**
 - (5) North America Fire Equipment Company. Purchase fifteen (15) sets of Lion Apparel turnout coats and pants. Public Safety - Fire Department. \$36,570. **RESOLUTION No. 21-215**
 - (6) Barge Design Solutions. Amendment No. 1. Additional engineering services for the Highway 14 Force Main Replacement Project. \$22,452. **RESOLUTION No. 21-216**
- e. Easements and rights-of-way.
 - (1) Bridgewater at Cary Creek, LLC. Accept various drainage and utility easements. Property located south of Cary Creek Parkway and the terminus of Turing Lane. Bridgewater, Phase 2. **RESOLUTION No. 21-217**
 - (2) Dakota V Properties, LLC. Accept various rights-of-way. Property located at the intersection of Richland Road and Dakota Drive. The Dakota, Redivision of Lots 1, 2, and 3. **RESOLUTION No. 21-218**
 - (3) The Doll House, LLC. Accept various sidewalk, drainage, utility, and lighting easements. Property located at 200 North College Street. Consolidation of Lots 4 & 5 of Block 130 of Chamber Map. **RESOLUTION No. 21-219**

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

- (4) Hayley-Freeman Contracting. Accept various drainage and utility easements, temporary turnaround easements, and rights-of-way. Property located at the northern end of Sophia Court and Canal Court. Tuscan Hills Subdivision, Section 5A, A redivision of Lots 159, 160, and 164 of Section 4. **RESOLUTION No. 21-220**
- (5) Historic House, LLC. Accept various drainage and utility easements and rights-of-way. Property located at 445 Martin Avenue. Spring House, A Redivision of Lots 1 & 2, Spring Farms Subdivision. **RESOLUTION No. 21-221**
- (6) Land & Timber, LLC. Accept various rights-of-way. Property located on Farmville Road at its intersection with Auburn Lakes Road. Land & Timber on Farmville. **RESOLUTION No. 21-222**
- (7) South of Harper, LLC. Accept various drainage and utility easements and sanitary sewer easements. Property located on Harper Avenue between North Debardeleben Street and North Ryan Street. Summerville Subdivision Final Plat. **RESOLUTION No. 21-223**
- (8) Tiger Creek Development, Inc. Accept various drainage and utility easements, sanitary sewer easements and rights-of-way. Property located at the eastern terminus of Sarah Lane. Auburn Farms Subdivision, Phase 1. **RESOLUTION No. 21-224**
- (9) Cecile and Terry Rainey. Accept a greenway easement and approve compensation of \$4,801. Easement will extend the Greenway at Turnham Corner Subdivision from Moores Mill Road to Heard Avenue. **RESOLUTION No. 21-225**
- (10) Alabama Power. Grant an easement on Foster Street at Sam Harris Park. **RESOLUTION No. 21-226**

f. Board appointments.

- (1) Educational Building Authority. One (1) position. Term begins November 10, 2021 and ends November 9, 2027. **RESOLUTION No. 21-227 (Robert Smith)**
- (2) Tree Commission. Three (3) positions. Terms begin November 8, 2021 and end November 7, 2024. **RESOLUTION No. 21-228 (Shelley Aistrup, Michelle Bethune, Nancy Golson)**

d. Contracts and agreements.

- (1) National Auto Fleet Group. Purchase one (1) 2022 Ford F-150 XL 2WD Reg Cab. Inspection Services Department. \$30,992.70. **RESOLUTION No. 21-211**

City Manager Crouch said this item authorizes the city manager to execute a contract with National Auto Fleet Group.

Councilperson Dixon said he removed the item from the consent agenda so he could abstain from the vote.

8. CONSIDERATION OF CONSENT AGENDA (cont).

Councilperson Witten moved that the resolution be adopted.

Councilperson Smith seconded the motion and the following members voted aye: Dawson, Griswold, Parsons, Smith, Witten and Mayor Anders. Voting nay: None. Abstaining: Dixon.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 21-211

9. ORDINANCES.

- a. Amend city code. Chapter 12, Article XIII, Section 12-277. Towing fees. SECOND READING.

City Manager Crouch said this ordinance amends Chapter 12, Article XIII, Section 12-277 of the City Code.

Councilperson Dawson moved to amend the ordinance to charge \$125 for towing and \$20 for storage fees.

Councilperson Witten seconded the amendment and the following members voted aye Dawson, Dixon, Griswold, Parsons, Smith, Witten and Mayor Anders.

Mayor Anders declared the ordinance amended.

Councilperson Witten introduced the ordinance.

Councilperson Dixon seconded the motion.

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3333

- b. Severe Weather Preparedness Sales Tax Holiday. Exempt specified items from City Sales Tax. Friday, February 25 through Sunday, February 27. Unanimous consent necessary.

City Manager Crouch said this ordinance exempts specified items from City Sales Tax for the Severe Weather Preparedness Sales Tax Holiday.

Councilperson Dawson introduced the ordinance.

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.

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3334

- c. Traffic control signs and devices. Establish one (1) stop sign in Bridgewater Subdivision Phase 2. Unanimous consent necessary.

City Manager Crouch said this ordinance establishes one stop sign in Bridgewater Subdivision Phase 2.

9. **ORDINANCES (cont).**

Councilperson Witten introduced the ordinance.

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: Griswold, Parsons, Smith, Witten, Dawson, Dixon and Mayor Anders. Voting nay: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3335

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

- (1) Joseph and Jeri Allen Earnest. Approximately 64.20 acres. Property located at the southwest corner of the intersection of U. S. Highway 280 and North College Street.

City Manager Crouch said this ordinance annexes approximately 64.20 acres.

Councilperson Witten introduced the ordinance.

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 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.

Councilperson Griswold asked what reasons were given for the no votes from the two Planning Commission members.

Planning Director Steve Foote said the members had questions about the overall plan for the property.

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3336

- (2) Ann B. Pearson Estate. Approximately 44.37 acres. Property located on the east side of Shelton Mill Road, just north of Cobblestone Subdivision.

City Manager Crouch said this ordinances annexes approximately 44.37 acres.

Councilperson Parsons introduced the ordinance.

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.

9. **ORDINANCES (cont).**

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: Parsons, Smith, Witten, Dawson, Dixon, Griswold, and Mayor Anders. Voting nay: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3337

- (3) James Lane Segrest. Approximately 0.94 acres. Property located at 2424 Lee Road 56 (Wimberly Road).

City Manager Crouch said this ordinances annexes approximately 0.94 acres.

Councilperson Smith introduced the ordinance.

City Manager Crouch read the ordinance by title.

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

Councilperson Dawson 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.

Councilperson Griswold asked if this property would likely be in Ward 2.

City Manager Crouch said the city attorney is looking into it, but logically seems to fit into Ward 2. She noted that could change due to upcoming redistricting.

Councilperson Witten said there is already a single-family residence on the property so it would be non-conforming and asked if any other uses will be on the property.

Planning Director Foote said currently there is a barn structure on the property and he believes the intent is to build a residence on the property.

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3338

- e. Rezoning. Planning Commission recommendations. Unanimous consent necessary. Public hearings required.

- (1) T.J. Johnson on behalf of Joseph Earnest. Rezone approximately 19.4 acres from Rural (R) to Development District Housing (DDH). Property located at the southwest corner of the intersection on U.S. Highway 280 and North College Street. The Bottle – R to DDH.

City Manager Crouch said this ordinance rezones approximately 19.4 acres from Rural to Development District Housing. She added that a public hearing was required.

9. ORDINANCES (cont).

Councilperson Witten introduced the ordinance.

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 Dawson seconded the motion.

Mayor Anders opened the public hearing.

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

Councilperson Witten moved to postpone the item until November 16, 2021 stating that she wants to see the PDD before designating zoning for the property.

Councilperson Smith seconded the motion and all members voted aye.

Mayor Anders said the ordinance would be considered at the November 16, 2021 City Council meeting.

- (2) T.J. Johnson on behalf of Joseph Earnest. Rezone approximately 44.80 acres from Rural (R) to Comprehensive Development District (CDD). Property located at the southwest corner of the intersection of U.S. Highway 280 and North College Street. The Bottle – R to CDD.

City Manager Crouch said this ordinance rezones approximately 44.80 acres from Rural to Comprehensive Development District Housing. She added that a public hearing was required.

Councilperson Witten introduced the ordinance.

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 Smith seconded the motion.

Mayor Anders opened the public hearing.

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

Councilperson Witten moved to postpone the item until November 16, 2021 stating that, just like the previous item, she wants to see the PDD before designating zoning for the property.

Councilperson Smith seconded the motion and all members voted aye.

Mayor Anders said the ordinance would be considered at the November 16, 2021 City Council meeting.

10. RESOLUTIONS.

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

- (1) Brett Basquin on behalf of Auburn Industrial Development Board. Expansion of an industrial use (manufacturing). Property located at 2425 Innovation Drive. SiO2 Expansion.

City Manager Crouch said this resolution authorizes conditional use approval for an industrial use. She added that a public hearing was required.

Councilperson Parsons moved that the resolution be adopted.

Councilperson Smith seconded the motion.

10. RESOLUTIONS (cont).

Mayor Anders opened the public hearing.

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

Mayor Anders called for a vote and all members voted aye.

Mayor Anders declared the resolution adopted.

Resolution No. 21-229

- (2) Greg Lane on behalf of The Standard at Auburn, LLC. Commercial and entertainment use (fitness studio). Property located at 234 North Gay Street, Suite B. Hotworx of Auburn.

City Manager Crouch said this resolution authorizes conditional use approval for a commercial and entertainment use. She added that a public hearing was required.

Councilperson Witten moved that the resolution be adopted.

Councilperson Dixon seconded the motion.

Mayor Anders opened the public hearing.

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

Councilperson Griswold asked if the business will use The Standard's parking deck since the city has no onsite parking requirements in downtown.

Mr. Foote said parking for the facility was based on the number of units at the complex, but parking was not discussed at the Planning Commission.

City Manager Crouch said the city will check and follow-up with him.

Mayor Anders called for a vote and all members voted aye.

Mayor Anders declared the resolution adopted.

Resolution No. 21-230

11. OTHER BUSINESS.

None.

12. CITIZENS' OPEN FORUM.

Greg Lane (owner of Hotworx) said there are 84 parking spaces allotted for businesses on the ground floor of The Standard's parking garage.

Herbert Walter Denmark, Jr. (412 Opelika Road, Apt. 111) spoke about the National Night Out and thanked the Council for supporting the effort.

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 7:39 PM.

Mayor

ATTEST:

City Manager