

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, November 16, 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, Kelley Griswold, Jay Hovey, Bob Parsons, Brett Smith, Connie Taylor, Beth Witten and Mayor Ron Anders, Jr. Absent: Steven Dixon. 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 November 2 Committee of the Whole meeting and nominated individuals to the Parks and Recreation Advisory Board.

b. Announcements.

Mayor Anders thanked various groups for hosting him over the last two weeks, congratulated the AHS Girls Cross Country team for winning the championship and the AHS football team for making it to the state semi-finals. He also thanked the Woltosz Family for donating a police dog, remembered Coach Dye for bringing the Iron Bowl to Auburn, and said he was thankful for City employees.

Councilperson Taylor announced a Thanksgiving dinner for seniors, homeless and disabled citizens on Sunday, November 21 from 2-5 p.m. at Boykin Community Center.

Councilperson Griswold thanked City Manager Crouch and staff for supporting his recent Ward 2 meeting and announced that as of October 31 Councilperson Dixon's lawsuit has cost the city \$37,065.31.

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. Water Works Board. One (1) vacancy. Term begins January 7, 2022 and ends January 6, 2028. Appointment December 21, 2021.

City Manager Crouch announced one vacancy on the Water Works Board. She added that the appointment will be made at the December 21, 2021 City Council meeting.

City Manager Crouch also reminded the Council that the minutes and items 8d(4) and 9b(1) had been edited and that item 9b(1) would be considered before item 9a(2).

8. **CONSIDERATION OF CONSENT AGENDA.**

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

Mayor Anders asked to remove items 8b(3) and 8b(4).

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

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

Mayor Anders declared the consent agenda items adopted.

- a. Minutes. November 2, 2021. **APPROVED**
- b. Concurrences and tax abatements.
 - (1) Concurrence. Industrial Development Board. 2201 Riley Street Building. Auburn Technology Park West. **RESOLUTION No. 21-238**
 - (2) Concurrence. Auburn Facility, LLC d/b/a Revere Plastics Systems, LLC. 204 Enterprise Drive. Auburn Technology Park South. **RESOLUTION No. 21-239**
 - (3) Tax abatement. Shinhwa Auburn USA Corp. 2535 West Tech Lane. Auburn Technology Park West.

This item was removed from the consent agenda.

- (4) Tax abatement. SiO2 Medical Products, Inc. Building expansion. Auburn 2425 Innovation Drive. Technology Park West.

This item was removed from the consent agenda.

- (5) Tax abatement extension. SiO2 Medical Products, Inc. 2250 Riley Street. Auburn Technology Park West. **RESOLUTION No. 21-242**
- (6) Tax abatement amendment and extension. SiO2 Medical Products, Inc. 2425 Innovation Drive. Auburn Technology Park West.
RESOLUTION No. 21-243

- c. Taxpayer penalty waiver request. Burger King #15169. **APPROVED**

- d. Contracts and agreements.
 - (1) Alabama Department of Transportation. Traffic signal maintenance and operations agreement for I-85, Exit 50. **RESOLUTION No. 21-244**
 - (2) Auburn University. Renew professional services contract for Public Safety Services. October 21, 2021 – September 30, 2026.
RESOLUTION No. 21-245
 - (3) Dell Marketing LP C/O Dell USA LP. Purchase two Dell VxRail E560F nodes. \$84,735.08. **RESOLUTION No. 21-246**
 - (4) Donohoo Chevrolet, LLC. Purchase thirteen (13) marked 2022 Chevrolet Tahoe PPV vehicles. Police Department. \$441,350.
RESOLUTION No. 21-247
 - (5) Evergreen Siteworks. Authorize additional expenditures for the Sam Harris Park/Westview Greenway Project. \$9,811.06. **RESOLUTION No. 21-248**

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

- (6) Ingram Equipment Company. Purchase one (1) 2023 Isuzu NRR truck cab and chassis 6 yard side loader. Environmental Services. \$152,704.
RESOLUTION No. 21-249
- (7) National Auto Fleet Group. Purchase one (1) 2022 Ford F-150 XL 4x4 SuperCab Truck. Engineering Services Department. \$37,054.56.
RESOLUTION No. 21-250
- (8) National Auto Fleet Group. Purchase one (1) 2022 Ford F-150 Super Cab 4x4 Pickup Truck. Public Works Department – Landscape Division. \$34,984.74. **RESOLUTION No. 21-251**
- (9) Otto Environmental Systems (AZ), LLC. Purchase 560 ninety-five gallon roll out carts for garbage collection. \$34,589.30. **RESOLUTION No. 21-252**
- (10) Otto Environmental Systems (AZ), LLC. Purchase 560 ninety-five gallon roll out carts for recycling collection. \$36,269.30. **RESOLUTION No. 21-253**
- (11) Stivers Ford Lincoln. Purchase one (1) 2021 Ford F-150 Crew Cab Pickup Truck. Police Department. \$25,366. **RESOLUTION No. 21-254**
- (12) Stivers Ford Lincoln. Purchase three (3) Ford F-150 Pickup Trucks. Parks and Recreation Department. \$84,538. **RESOLUTION No. 21-255**
- (13) US Digital Designs, Inc. Purchase fire alerting equipment for Fire Station 6. \$42,960.14. **RESOLUTION No. 21-256**
- e. Board appointments. Parks and Recreation Advisory Board. Two (2) positions. Terms begin December 1, 2021 and end November 30, 2025.
RESOLUTION No. 21-257 (Tammy Hollis & AJ Harris)
- b. Concurrences and tax abatements.
 - (3) Tax abatement. Shinhwa Auburn USA Corp. 2535 West Tech Lane. Auburn Technology Park West. **RESOLUTION No. 21-240**

City Manager Crouch said this resolution approves a tax abatement for Shinhwa Auto USA Corp.

Mayor Anders said he pulled this item off the consent agenda to spotlight the company.

Economic Development Director Phillip Dunlap spoke about the company.

Councilperson Parsons moved that the resolution be adopted.

Councilperson Smith seconded the motion and all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 21-240

- (4) Tax abatement. SiO2 Medical Products, Inc. Building expansion. Auburn 2425 Innovation Drive. Technology Park West. **RESOLUTION No. 21-241**

City Manager Crouch said this resolution approves a tax abatement for SiO2 Medical Products, Inc.

Mayor Anders said he pulled this item off the consent agenda to spotlight the company.

Economic Development Director Phillip Dunlap spoke about the company.

8. CONSIDERATION OF CONSENT AGENDA (cont).

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

RESOLUTION No. 21-241

9. ORDINANCES.

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

- (1) Auburn City Board of Education. Approximately 128.68 acres. Property located on the east side of North Donahue Drive at the terminus of Yarbrough Farms Boulevard.

City Manager Crouch said this ordinance annexes approximately 128.68 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.

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

Ordinance No. 3342

- b. Rezonings. Planning Commission recommendations. Unanimous consent necessary. Public hearings required.

- (1) Ledge Nettles on Behalf of Rayford Keel. "Pre-zone" approximately 41.66 acres from Rural (R) to Large Lot Residential District (LLRD). Property located on the east side of Heath Road in the Water Oak Ridge Subdivision.

City Manager Crouch said this ordinance "pre-zones" approximately 41.66 acres. She added that a public hearing was required.

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 Witten 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.

Mayor Anders opened the public hearing.

9. **ORDINANCES (cont).**

The following individuals spoke in favor of the rezoning:

- Ledge Nettles (2004 Yarbrough Drive, Opelika)
- Brad Tapley (4943 Heath Road)
- Shane Davis (4020 Highway 147)
- Georgia Jones (5050 Heath Road)
- Ashley Medeiros (997 Birdie Lane)
- Holly Keel (5050 Heath Road)
- Josh Dunaway (140 Great Ellis Lane)

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

Councilperson Griswold said he heard from constituents that were not in favor of the rezoning and spoke about the lack of sewer service in the area.

Councilperson Witten said the Council agreed to keep the area zoned Rural and adding LLRD zoning would go against that decision and also spoke of infrastructure concerns.

Mayor Anders asked City Manager Crouch to speak about the septic service in the area.

City Manager Crouch said septic is allowed there and asked Water Resource Management Director Eric Carson to speak about it.

Mr. Carson said 1-acre lots meet state regulations.

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

Mayor Anders declared the ordinance failed because of the tie vote.

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

- (2) Rayford Keel. Approximately 41.66 acres. Property located on the east side of Heath Road and north of U.S. Highway 280.

City Manager Crouch said this ordinance for annexation was withdrawn by the applicant after the applicant's rezoning request failed.

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

- (2) R.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 of U.S. Highway 280 and North College Street. The Bottle – R to DDH. POSTPONED FROM OCTOBER 19, 2021 CITY COUNCIL MEETING.

City Manager Crouch said this ordinance rezones approximately 19.4 acres. She added that public hearing was required and that this was the second reading of the ordinance.

Councilperson Witten moved that the ordinance be adopted.

Councilperson Smith seconded the motion.

Mayor Anders opened the public hearing.

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

9. **ORDINANCES (cont).**

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3343

- (3) 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. POSTPONED FROM OCTOBER 19, 2021 CITY COUNCIL MEETING.

City Manager Crouch said this ordinance rezones approximately 19.4 acres. She added that a public hearing was required.

Councilperson Witten moved that the ordinance be adopted.

Councilperson Smith seconded the motion.

Mayor Anders opened the public hearing.

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

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3344

- (4) T.J. Johnson on behalf of Joseph Earnest. Application of the Planned Development District (PDD) designation to approximately 64.04 acres zoned Comprehensive Development District (CDD) and Development District Housing (DDH). Property located at the southwest corner of the intersection of U.S. Highway 280 and North College Street. The Bottle PDD.

City Manager Crouch said this ordinance rezones approximately 64.04 acres. She added that a public hearing was required.

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 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.

Mayor Anders opened the public hearing.

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

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3345

- c. Zoning Ordinance Text Amendments. Miscellaneous Clean-up. Planning Commission recommendations. Unanimous consent necessary. Public hearing required.

9. **ORDINANCES (cont).**

City Manager Crouch said this ordinance makes text amendments to the Zoning Ordinance. 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 Parsons seconded the motion.

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

Councilperson Smith denied unanimous consent.

Mayor Anders said the item would return to the agenda on December 7, 2021.

- d. Commercial development agreement. Cleveland Northside, LLC. Northside Crossing. Unanimous consent necessary. Public hearing required.

City Manager Crouch said this ordinance authorizes the City Manager to execute a commercial development agreement with Cleveland Northside, LLC. She added that a public hearing was required.

Councilperson Hovey introduced the ordinance.

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 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.

Mayor Anders opened the public hearing.

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

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3346

10. **RESOLUTIONS.**

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

- (1) T.J. Johnson on behalf of Joseph Earnest. Outdoor recreational uses, institutional uses, special residential uses, office use, and road service uses. Property located at the southwest corner of the intersection of U.S. Highway 280 and North College Street. The Bottle Conditional Uses.

City Manager Crouch said this resolution authorizes conditional use approval for outdoor recreational uses, special residential uses, office use and road service uses. She added that a public hearing was required.

10. **RESOLUTIONS (cont).**

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

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. 21-258

- (2) David Slocum on behalf of Embrace United Methodist Church, Inc. Institutional use (church). Property located at 2142 North College Street. Embrace Church.

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

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

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. 21-259

- (3) Brett Basquin on behalf of N.P. Alabama Investments, LLC. Road service use (parking lot). Property located at 114 East Veterans Boulevard. Son's Ford Parking Lot.

City Manager Crouch said this resolution authorizes conditional use approval for a road service use (parking lot). She added that a public hearing was required.

Councilperson Dawson moved that the resolution be adopted with condition #3 removed.
Councilperson Hovey seconded the motion.

City Manager Crouch said Brett Basquin resolved the concern so there is not need to remove #3 anymore.

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. 21-260

- (4) Ledge Nettles on behalf of Third Generation Auburn, LLC. Expansion of an industrial use (manufacturing use). Property located at 1955 McMillan Street. Nashville Wire Addition.

City Manager Crouch said this resolution authorizes conditional use approval for expansion of an industrial use (manufacturing 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. 21-261

11. **OTHER BUSINESS.**

None.

12. **CITIZENS' OPEN FORUM.**

None.

13. **ADJOURNMENT.**

Councilperson Smith moved that the meeting be adjourned.
Councilperson Parsons seconded the motion, and all members voted aye.
The meeting was adjourned at 8:11 PM.

Mayor

ATTEST:

City Manager