

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, April 19, 2022, at 7:08 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 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 previously held the Council approved the minutes from the April 5 Committee of the Whole meeting, nominated Sharon Tolbert to serve on the Board of Education, and heard an update from the Mural/Community Art Committee.

b. Announcements.

Mayor Anders thanked various groups for hosting him over the last two weeks and provided a preview of the events he will attend in the coming days.

Councilperson Dawson thanked Public Safety Director Paul Register for his work and dedication on the Lori Slesinski case which has finally concluded after 16 years.

Councilperson Griswold said the Alabama League of Municipalities has an article about community art in its latest magazine and thanked the City Council and staff for the boards and commissions process.

Councilperson Smith said the Easter Egg Hunt was a great event.

5. **AUBURN UNIVERSITY COMMUNICATIONS.**

AU SGA Director of City Relations Olivia Sutherland updated the Council about events at Auburn University.

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

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

City Manager Crouch reminded the Council that items 8c(5) and 10a(7) were removed from the agenda and reminded everyone that the Council meetings will begin at 6 p.m. beginning May 3, 2022.

8. **CONSIDERATION OF CONSENT AGENDA.**

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

Councilperson Dawson asked to remove items 8c(1), 8c(4), and 8c(7) from the consent agenda.

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

Councilperson Taylor asked to remove item 8d from the consent agenda.

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

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

Mayor Anders declared the consent agenda items adopted.

- a. Minutes. April 5, 2022. **APPROVED**
- b. Alcohol beverage licenses.
 - (1) JK 51 Management, LLC d/b/a Cigar and Fine Spirits. 1849 Ogletree Road, Suites 100 and 200. 010 - Lounge Retail Liquor - Class I alcohol beverage license. **APPROVED**
 - (2) MSKW Auburn YP d/b/a Your Pie. 314 West Magnolia Avenue. 040 - Retail Beer (On or Off Premises) and 060 - Retail Table Wine (On or Off Premises). **APPROVED**
- c. Contracts and agreements.
 - (1) Alabama Power Company. Relocation and installation of street lighting along Wire Road at the Soccer Complex roundabout. \$64,592.07.

This item was removed from the Consent Agenda.

- (2) Auburn Community Church. Development Agreement. **RESOLUTION No. 22-076**
- (3) Auburn-Opelika Metropolitan Planning Organization. Accept updates to the Auburn-Opelika Metropolitan Planning Organization Highway Functional Classification Map. **RESOLUTION No. 22-077**
- (4) Axon Enterprise, Inc. Purchase fifteen (15) in-car cameras, 26 body-worn cameras and 20 tasers. \$391,032.02.

This item was removed from the Consent Agenda.

- (5) Bradley Arant Boult Cummings, LLP. State governmental affairs representation services. \$90,000.

This item was removed from the agenda prior to the meeting.

- (6) Ryan Public Safety Solutions. Renewal of customer support for the 911 Call Handling equipment. Auburn Public Safety Department. \$33,950. **RESOLUTION No. 22-079**
- (7) Stone Building, LLC. New Environmental Services & Public Works Facility. \$27,294,225.00.

This item was removed from the Consent Agenda.

- (8) Temple, Inc. Annual management services for the City's Traffic Control Center. \$88,065. **RESOLUTION No. 22-081**

- d. Street renaming. Rename a portion of Lee Road 958 (Taylor Court) within the Auburn city limits.

This item was removed from the Consent Agenda.

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

- e. Easement. June S. Capps, Rosalind Lauren Burnham, and William M. Burnham Jr. Accept a signal easement. Property located at 338 West Glenn Avenue.
RESOLUTION No. 22-083
- f. Board appointment. Board of Education. One (1) vacancy. Term begins June 1, 2022, and ends May 31, 2027. **RESOLUTION No. 22-084 (Sharon Tolbert)**
- c. Contracts and agreements.
 - (1) Alabama Power Company. Relocation and installation of street lighting along Wire Road at the Soccer Complex roundabout. \$64,592.07.

City Manager Crouch said this resolution authorizes the city manager to execute a contract with Alabama Power.

Councilperson Dawson said this lighting will be a good thing for Wire Road.

Councilperson Parsons moved that the resolution be adopted.

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

Mayor Anders declared the resolution adopted.

RESOLUTION NO. 22-075

- (4) Axon Enterprise, Inc. Purchase fifteen (15) in-car cameras, 26 body-worn cameras and 20 tasers. \$391,032.02.

City Manager Crouch said this resolution authorizes the city manager to execute a contract with Axon Enterprises.

Councilperson Dawson said this is a great purchase and shows the police the Council supports them.

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. 22-078

- (7) Stone Building, LLC. New Environmental Services & Public Works Facility. \$27,294,225.00.

City Manager Crouch said this resolution authorizes the city manager to execute a contract with Stone Building, LLC.

Councilperson Dawson said this facility is needed.

The Council asked questions about additional expenditures for the facility.

City Manager Crouch said this contract is for the relocation and facilities and there should be no additional expenses for project construction.

Councilperson Dawson moved that the resolution be adopted.

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

Mayor Anders declared the resolution adopted.

RESOLUTION NO. 22-080

8. CONSIDERATION OF CONSENT AGENDA (cont).

- d. Street renaming. Rename a portion of Lee Road 958 (Taylor Court) within the Auburn city limits.

City Manager Crouch said this resolution renames a portion of Lee Road 958 (Taylor Court) to Henry Farms Lane.

Councilperson Taylor asked why the street was being renamed.

City Manager Crouch said there is another Taylor Court in the Grove Hill Subdivision.

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. 22-082

9. ORDINANCES.

- a. Ad valorem property taxes. Authorization for Lee County Revenue Commissioner to collect. Unanimous consent necessary.
 1. City taxes - 5 mills for general purposes (General Fund). City taxes - 5 mills for capital projects debt repayment (Special Five Mill Tax).

City Manager Crouch said this ordinance is for the annual renewal of the 5 mills ad valorem property tax for the City of Auburn and emphasized that these are not new taxes but simply renewals of current taxes.

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.

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 no: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3367

2. School taxes - 11 mills for educational purposes (Special School Tax Fund).

City Manager Crouch said this ordinance is for the annual renewal of the 11 mills ad valorem special school property tax.

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.

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: Dixon, Griswold, Hovey, Parsons, Smith, Taylor, Witten, Dawson and Mayor Anders. Voting no: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3368

3. School taxes - 5 mills for educational purposes (Special School Tax Fund).

City Manager Crouch said this ordinance is for the annual renewal of the 5 mills ad valorem special school property tax.

Councilperson Dixon introduced the ordinance.

City Manager Crouch read the ordinance by title.

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

Councilperson Griswold 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, Hovey, Parsons, Smith, Taylor, Witten, Dawson, Dixon and Mayor Anders. Voting no: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3369

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

(1) Foresite Group, LLC. on behalf of Swann Farm, LLC. Approximately 77.3 acres. Property located at the southeast corner of the Cox Road and Wire Road intersection.

City Manager Crouch said this ordinance annexes 77.3 acres.

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: Hovey, Parsons, Smith, Taylor, Witten, Dawson, Dixon, Griswold and Mayor Anders. Voting no: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3370

9. **ORDINANCES (cont).**

- (2) Mike Maher on behalf of James and Mary Gibson. Approximately 8.87 acres. 3495 Lee Road 146 (Moore's Mill Road).

City Manager Crouch said this ordinance annexes 8.87 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 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: Parsons, Smith, Taylor, Witten, Dawson, Dixon, Griswold, Hovey and Mayor Anders. Voting no: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3371

- (3) Mt. Sinai Church. Approximately 4.38 acres. Property located at 2143 Lee Road 72 (West Farmville Road).

City Manager Crouch said this ordinance annexes 4.38 acres.

Councilperson Dixon introduced the ordinance.

City Manager Crouch read the ordinance by title.

Councilperson Dixon 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.

Upon roll call vote, the following Council members voted aye: Smith, Taylor, Witten, Dawson, Dixon, Griswold, Hovey, Parsons and Mayor Anders. Voting no: None.

Mayor Anders declared the ordinance adopted.

Ordinance No. 3372

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

- (1) Foresite Group, LLC. on behalf of Swann Farm, LLC. Rezone approximately 77.3 acres from Rural (R) to Development District Housing (DDH). Property located at the southeast corner of the Cox Road and Wire Road intersection. Swann Farm DDH Rezoning.

City Manager Crouch said this ordinance rezones approximately 77.3 acres for Rural to Development District Housing. She added that a public hearing was required.

9. **ORDINANCES (cont).**

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 Dixon seconded the motion.

Mayor Anders opened the public hearing.

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

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: Taylor, Witten, Dawson, Dixon, Griswold, Hovey, Parsons, Smith and Mayor Anders. Voting no: None.
Mayor Anders declared the ordinance adopted.

Ordinance No. 3373

- (2) Foresite Group, LLC. on behalf of Swann Farm, LLC. Rezone approximately 77.3 acres from Development District Housing (DDH) to Planned Development District (PPD) designation. Property located at the southeast corner of the Cox Road and Wire Road Intersection. Swann Farm Rezoning PDD.

City Manager Crouch said this ordinance rezones approximately 77.3 acres from Development District Housing to Planned Development District. She added that conditions 1 & 2 have been satisfied and can be removed from the ordinance and a public hearing is required.

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 Dixon seconded the motion.

Mayor Anders opened the public hearing.

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

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 Witten moved to amend the ordinance to remove conditions 1 & 2.
Councilperson Smith seconded the motion and all members voted aye.
Mayor Anders declared the ordinance amended.

Upon roll call vote, the following Council members voted aye: Witten, Dawson, Dixon, Griswold, Hovey, Parsons, Smith, Taylor and Mayor Anders. Voting no: None.
Mayor Anders declared the ordinance adopted.

Ordinance No. 3374

10. **RESOLUTIONS**

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

- (1) Brett Basquin on behalf of Minerva Enterprises, LLC. Road service use (bank with drive-thru). Property located at 1901 East Glenn Avenue. East Glenn Bank.

City Manager Crouch said this resolution authorizes conditional use approval for a road service 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.

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

RESOLUTION No. 22-085

- (2) Brett Basquin on behalf of Ritchey & Ritchey. Performance residential development (multiple-unit development). Property located at 2240 East University Drive. Westshore Multi-Family.

City Manager Crouch said this resolution authorizes conditional use approval for a performance residential development. 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 moved that the resolution be adopted.
Councilperson Smith seconded the motion all members voted aye.
Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-086

- (3) Brett Basquin on behalf of Swann Farms, LLC. Various uses. Property located south and east of the Cox Road and Wire Road roundabout. Swann Farms Conditional Uses.

City Manager Crouch said this resolution authorizes conditional use approval for various uses related to Swann Farms. 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 Dawson said he is excited about the project.

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

RESOLUTION No. 22-087

- (4) Elizabeth Bragg on behalf of AuburnBank. Commercial and entertainment use. Property located at 100 North Gay Street. Auburn Hotel.

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

10. **RESOLUTIONS (cont).**

Mayor Anders opened the public hearing.

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

Councilperson Witten said she looks forward to another great addition to downtown.

Councilperson Witten moved that the resolution be adopted.

Councilperson Dixon seconded the motion the following members voted aye: Dawson, Dixon, Griswold, Parsons, Smith, Taylor, Witten and Mayor Anders. Voting no: none. Abstaining: Hovey. Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-088

- (5) Parker Lewis on behalf of Chris Birdsong. Performance residential development (expansion of a multiple-unit development). Property located at 519 and 525 North Ross Street. North Ross Expansion.

City Manager Crouch said this resolution authorizes conditional use approval for a performance residential development. 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 Witten said Mr. Birdsong has done a good job in the area and thanked him for his investment in Auburn.

Councilperson Dixon moved that the resolution be adopted.

Councilperson Witten seconded the motion and all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-089

- (6) Fenn Moun on behalf of Robert Patton. Road service use (fast-food restaurant with drive thru). Property located at 346 Magnolia Avenue. Chipotle Remodel.

City Manager Crouch said this resolution authorizes conditional use approval for a road service 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.

Councilperson Griswold said he is concerned about additional traffic along Magnolia Avenue and asked why two Planning Commissioners voted against the use.

Planning Director Foote said their concerns were also over increased traffic in the area.

Councilperson Dawson asked if the city has concerns about traffic in the area.

City Manager Crouch said she is not aware of any concerns about increased traffic from the restaurants. She added that the traffic congestion on Magnolia Avenue is primarily caused by pedestrians during class changes at Auburn University.

Councilperson Parsons asked if there has been an increase in accidents between pedestrians and vehicles due to the increased density in the area.

City Engineer Allison Frazier and Public Safety Director Paul Register said there has not been an increase in accidents.

10. **RESOLUTIONS (cont).**

Councilperson Dixon said he thinks the drive-thru window will be an improvement to the flow of traffic at the restaurant.

Councilperson Dixon moved that the resolution be adopted.

Councilperson Witten seconded the motion the following members voted aye: Dawson, Dixon, Hovey, Smith, Taylor, Witten and Mayor Anders. Voting no: Griswold and Parsons.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-090

- (7) Preeti Patel on behalf of Jessie LeMay. Commercial and entertainment use (lounge). Property located at 307 North College Street. The Tavern.

This item was withdrawn by the applicant.

- (8) Lee Tharp on behalf of Phillips Family Partnership, LTD and Chris Ciocci. Commercial support use (distribution facility). Property located at 511 West Veterans Boulevard. Auburn Distribution Facility.

City Manager Crouch said this resolution authorizes conditional use approval for a commercial support 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.

Councilperson Dawson said he is excited about the project.

Councilperson Dawson moved that the resolution be adopted.

Councilperson Hovey seconded the motion all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-091

- b. Vacations. Public hearings required.

- (1) C L & S Subdivisions, LLC. Vacation of a Drainage and Utility Easement. 1407 Reynolds Drive.

City Manager Crouch said this resolution authorizes the vacation of a drainage and utility easement located at 1407 Reynolds Drive. She added that a public hearing was required.

Mayor Anders opened the public hearing.

Ken Stone (1529 Reynolds Drive) asked for clarification on what will happen to the property and how it will affect the neighboring properties.

Mr. Robert Selby said he does not have plans yet, but said it will likely be light residential development.

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 all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-092

- (2) Selby Enterprises, LLC. Vacation of Drainage and Utility Easement. 1410 Reynolds Drive.

10. **RESOLUTIONS (cont).**

City Manager Crouch said this resolution authorizes the vacation of a drainage and utility easement located at 1410 Reynolds Drive. She added that a public hearing was required.

Mayor Anders opened the public hearing.

Ken Stone (1529 Reynolds Drive) said he did not receive advance notice about his vacation.

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

The Council asked questions about why he did not receive the notice.

Councilperson Smith moved to postpone the item to May 3, 2022 to allow time for the neighbors to be notified.

Councilperson Parsons seconded the motion all members voted aye.

Mayor Anders declared the resolution postponed to May 2, 2022.

c. Demolitions. Public hearings required.

(1) 556 Foster Street.

City Manager Crouch said this resolution authorizes the demolition of the structure located at 556 Foster Street. 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 Taylor asked who owns the property.

Inspection Services Director John Hoar said the property owner is Guardian Tax AL, LLC and said the city has reached out multiple times.

Councilperson Witten moved that the resolution be adopted.

Councilperson Smith seconded the motion all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-093

(2) 637 Westview Drive.

City Manager Crouch said this resolution authorizes the demolition of the structure located at 556 Foster Street. 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 Taylor asked if the city has worked with the property owner.

Inspection Services Director John Hoar said the city has worked with the property owner.

Councilperson Witten moved that the resolution be adopted.

Councilperson Smith seconded the motion all members voted aye.

Mayor Anders declared the resolution adopted.

RESOLUTION No. 22-094

11. **OTHER BUSINESS.**

None.

12. CITIZENS' OPEN FORUM.

Robert Wilkins (261 Denson Drive) spoke about short-term rentals.

13. ADJOURNMENT.

Councilperson Dixon moved that the meeting be adjourned.
Councilperson Smith seconded the motion, and all members voted aye.
The meeting was adjourned at 8:21 PM.

Mayor

ATTEST:

City Manager