

The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, January 17, 2023, at 6:00 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: Tyler Adams, Max Coblenz, Tommy Dawson, Kelley Griswold, Sonny Moreman, Bob Parsons, 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. Teamwork award. Winter weather response.

A video was shown to recognize city employees for their winter weather response over the Christmas holiday weekend.

b. Committee of the Whole.

Mayor Anders stated that at the Committee of the Whole previously held the Council approved the minutes from the January 3 Committee of the Whole meeting and nominated Will Faulkner to serve as a supernumerary on the Board of Zoning Adjustment.

c. 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 Taylor offered condolences to the families of Sam Harris and John Andrew Harris. She also invited everyone to a Black History Program on January 29 at the Boykin Community Center.

Councilperson Moreman thanked Environmental Services staff for picking up on a Sunday and said he accepted Councilperson Parsons' challenge to participate in the Polar Plunge.

Councilperson Witten wished Mayor Anders a happy birthday and said she went to Birmingham during a trip planned by the local Boys and Girls Club to visit a clubhouse there.

Councilperson Dawson said he appreciates retiring Public Safety Director Paul Register and all that he has done for the community during his career.

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.**

Samuel Aimes (616 Shawnee Street), spoke on behalf of the applicant for the Thomas Rezoning. He said the property owner and applicant are willing to accept the suggested changes made by city staff.

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

None.

8. **CONSIDERATION OF CONSENT AGENDA.**

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

Councilperson Moreman asked to remove items 8b(2) and 8c(4) from the consent agenda.

Councilperson Griswold asked to remove item 8e from the consent agenda.

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

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

Mayor Anders declared the consent agenda items adopted.

a. Minutes. January 3, 2023. **APPROVED**

b. Alcohol Beverage Licenses.

(1) 167 K BBQ, Inc. d/b/a 167 Korean BBQ. 020 -- Restaurant Retail Liquor ABC License. 1660 South College Street. **APPROVED**

(2) Auburn Self Pour, LLC d/b/a The Plains Taproom. 040 -- Retail Beer (On or Off Premises) and 060 -- Retail Table Wine (On or Off Premises) ABC Licenses. 200 West Glenn Avenue, Suite 200.

This item was removed from the consent agenda.

(3) Frosty Tiger, LLC d/b/a The Saloon.020 -- Restaurant Retail Liquor ABC License. 138 North College Street. **APPROVED**

(4) Trinity Rose Creations, LLC d/b/a Auburn Flowers and Gifts. 070 -- Retail Table Wine (Off Premises Only) ABC License. 1345 Opelika Road, Suite G. **APPROVED**

(5) YC Group, Inc. d/b/a Shake Seafood and Bubble Tea. 040 -- Retail Beer (On or Off Premises) and 060 -- Retail Table Wine (On or Off Premises) ABC Licenses. 815 East Glenn Avenue, Suites C and D. **APPROVED**

c. Contracts and agreements.

(1) CSX Transportation, Inc. Facility encroachment agreement. Will Buechner Parkway Project. \$21,000. **Resolution No. 23-005**

(2) ESRI, Inc. Renewal of a three-year Small Government Enterprise Agreement (EA). \$55,000. **Resolution No. 23-006**

(3) Clark Equipment Company. Purchase one (1) E60 R2-Series Bobcat Compact Excavator with Extendable arm and flail mower attachment. Parks and Recreation Department. \$101,504.45. **Resolution No. 23-007**

(4) Forensic Technology Inc. Purchase equipment to assist in establishing a National Integrated Ballistic Information Network (NIBIN) program. \$232,268.00.

This item was removed from the consent agenda.

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

- (5) Loachapoka Water Authority. Water meter access fees for the New Environmental Services & Public Works Facility. \$200,000.
Resolution No. 23-009

d. Easements.

- (1) JL Ventures, LLC. Accept drainage and utility easement. Property located at 220 North Debardeleben Street. **Resolution No. 23-010**
- (2) Paul B. Webster and Beverly R. Webster Revocable Trust. Accept a utility easement. Property located at 2450 Martin Luther King Drive. Will Buechner Parkway (aka New Connector Road) Project.
Resolution No. 23-011

- e. Board appointment. Board of Zoning Adjustment. One (1) vacancy to fill a supernumerary position. Terms begin January 21, 2023, and end January 20, 2026.

This item was removed from the consent agenda.

b. Alcohol Beverage Licenses.

- (2) Auburn Self Pour, LLC d/b/a The Plains Taproom. 040 -- Retail Beer (On or Off Premises) and 060 -- Retail Table Wine (On or Off Premises) ABC Licenses. 200 West Glenn Avenue, Suite 200.

City Manager Crouch said this item approves an alcohol beverage license for The Plains Taproom.

Councilperson Moreman said he wanted to point out that conditional use approval for this business was already granted by the previous City Council.

Councilperson Parsons moved that the request be granted.

Councilperson Adams seconded the motion and all members voted aye.

Mayor Anders declared the motion carried.

c. Contracts and agreements.

- (4) Forensic Technology Inc. Purchase equipment to assist in establishing a National Integrated Ballistic Information Network (NIBIN) program.
\$232,268.00.

City Manager Crouch said this resolution authorizes the City Manager to execute a contract with Forensic Technology Inc.

Councilperson Moreman said he pulled the resolution from the consent agenda so the public would know about it.

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. 23-008

- e. Board appointment. Board of Zoning Adjustment. One (1) vacancy to fill a supernumerary position. Terms begin January 21, 2023, and end January 20, 2026.

City Manager Crouch said this resolution appoints Will Faulkner as a supernumerary member of the Board of Zoning Adjustment.

Councilperson Griswold said he wanted to point out how fortunate the city is to have volunteers willing to serve and encouraged others to apply. He added that he appreciates all the interest.

8. CONSIDERATION OF CONSENT AGENDA (cont).

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

RESOLUTION No. 23-012

9. ORDINANCES.

- a. Traffic control signs and devices. Establish one (1) stop sign on Havens Court at Denali Lane. The Haven at Plainsman Lake. Unanimous consent necessary.

City Manager Crouch said this ordinance establishes one stop sign on Havens Court at Denali Lane.

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.

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

Ordinance No. 3412

- b. Amend City Code. Chapter 12. Procedure for revocation of business license.
Postponed from December 6, 2022. Public hearing recommended.

City Manager Crouch said this ordinance amends Chapter 12 of the City Code. She added that a public hearing was recommended.

Mayor Anders opened the public hearing.

Robert Wilkins (261 Denson Drive) said he is in favor of the amendment that will be introduced by Councilperson Adams.

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

Councilperson Adams moved to amend the ordinance to only revoke a license as it pertains to non-payment of licenses and taxes as follows:

Ordinance No. _____

AN ORDINANCE AMENDING CHAPTER 12, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, OF THE CODE OF THE CITY OF AUBURN PROVIDING REGULATIONS SPECIFICALLY TO REVOKE, SUSPEND, OR REFUSE TO GRANT A BUSINESS LICENSE

WHEREAS, the City Council desires to update the City's business license Ordinance to establish a process for the revocation of a business license and to set forth the circumstances under which a business license may be revoked.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Auburn, Alabama, as follows:

Section 1. That Chapter 12, Licenses, Taxation, and Miscellaneous Business Regulations, of The Code of the City of Auburn is hereby amended to add the following:

ARTICLE I. General.

Sec. 12-6. Procedure for revocation

(a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the City Council for the violation by the licensee, his or her agent, servant, or employee of any provision of any ordinance of the City, or the City Code, or any statute of the State relating to the payment of taxes by the business.

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~~a. If the City Council determines continued operation of the business would constitute a probable danger to the public health, safety, or welfare of the citizens of the City of Auburn; or~~

~~(2) For the violation by the licensee, his or her agent, servant, or employee of any provision of this article or of any ordinance of the City, or the City Code; or any statute of the State relating to the business for which such license is issued; or~~

~~(3) If the licensee, his or her agent, servant or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the City or any criminal law of the State or the United States; or~~

~~(4) If, in connection with the issuance or renewal of any license, the licensee or his or her agent filed or caused to be filed any applications, affidavit, statement, certificate, book or any other data containing any false, deceptive, or other misleading information or omission of material fact.~~

(a)(b) The conditions hereinabove set forth in this article as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license or to grant a new license.

(c) The City Council shall set a time for hearing on the matter of revoking or refusing to grant or renew a license, provided that such hearing shall not occur until at least sixty (60) days after the date of the initial notice of delinquency; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten days before the day set for said hearing. At the hearing, the City Council shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be. The City Council shall render its decision not later than the next regular council meeting.

(b)(d) Upon revocation of a license or the privilege to obtain or renew a license, the taxpayer or applicant may seek judicial review in accordance with state law.

Section 2. Should any section, provision, or part of this ordinance be declared to be unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other section, provision or part thereof

Section 3. All ordinances or parts of ordinances in all sections of the Code of the City of Auburn in conflict herewith, are the extent of such conflict, hereby repealed.

Section 4. This Ordinance shall be effective upon publication, and shall be codified in the ordinances of the City of Auburn, Alabama.

Adopted and approved by the City Council of the City of Auburn, Alabama, this the 17th day of January, 2023.

Mayor

ATTEST:

City Manager

Councilperson Dawson thanked city staff and Councilperson Adams for working on the amendment.

Councilperson Coblentz agreed with Mr. Dawson and added that he appreciated the time and effort that went into the presentation at the last council meeting.

Councilperson Griswold seconded the motion and the following members voted aye: Adams, Coblentz, Dawson, Griswold, Moreman, Parsons, Taylor, Witten and Mayor Adams. Voting no: none.

Mayor Anders declared the amendment adopted.

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

Mayor Anders declared the ordinance adopted.

Ordinance No. 3413

c. Zoning. Planning Commission recommendations.

- (1) Links Crossing, Phase 5 Rezoning. Rezoning of approximately 4.19 acres from Rural (R) to Development District Housing (DDH). Unanimous consent necessary. Public hearing required.

City Manager Crouch said this ordinance rezones approximately 36.46 acres. She added that a public hearing was 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 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.

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

Councilperson Griswold asked a question about the current zoning.

Director of Planning Services Steve Foote answered the question.

9. **ORDINANCES (cont).**

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

Ordinance No. 3414

- (2) Thomas Rezoning. 3022 Cox Road. Rezoning of approximately 5.69 acres from Limited Development District (LDD) to Comprehensive Development District (CDD). Postponed from December 20, 2022 City Council meeting.

City Manager Crouch said this ordinance rezones approximately 5.69 acres.

Councilperson Witten moved to amend the ordinance to add Exhibit A.

Councilperson Dawson seconded the motion and the following members voted aye: Adams, Coblentz, Dawson, Griswold, Moreman, Parsons, Taylor, Witten and Mayor Anders. Voting no: none.

Mayor Anders declared the amendment adopted.

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

Ordinance No. 3415

10. **RESOLUTIONS.**

- a. Conditional use approval. Planning Commission recommendation. Public hearing required. City of Auburn Public Safety Training Center. Public service use (municipal facility, specifically a public safety training center). Property located at 7384 US Highway 280 West. Applicant: City of Auburn.

City Manager Crouch said this resolution authorizes conditional use approval for the City of Auburn Public Safety Training Center. 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 moved that the resolution be adopted.

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

Mayor Anders declared the resolution adopted.

RESOLUTION No. 23-013

- b. Tax abatements.

- (1) Rausch & Pausch, L.P. 2450 Paul Parks Lane. Auburn Technology Park West.

City Manager Crouch said this resolution approves a tax abatement for Rausch & Pausch, L.P.

Councilperson Dawson moved that the resolution be adopted.

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

Mayor Anders declared the resolution adopted.

RESOLUTION No. 23-014

- (2) Schmidt Automotive USA, LP. 2471 Innovation Drive. Auburn Technology Park West.

City Manager Crouch said this resolution approves a tax abatement for Schmidt Automotive USA, LP.

10. RESOLUTIONS (cont).

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. 23-015

- c. Contract. Bailey-Harris Construction, Co., Inc. Lake Wilmore Community Center.
\$19,907,073.

City Manager Crouch said this resolution authorizes the city manager to execute a contract with Bailey-Harris Construction, Co., Inc.

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

RESOLUTION No. 23-016

- d. Legal action authorization. Misfits 4x4 Offroad. 1103 Opelika Road. Various violations of City codes and ordinances including but not limited to the Zoning Ordinance, Business License Ordinance, Building Code, and the Property Maintenance Code.

City Manager Crouch said this resolution authorizes legal action against Misfits 4x4 Offroad.

Councilperson Witten asked the difference between this item and the business license ordinance.

City Manager Crouch stated that the adopted business license ordinance changes would not apply because the business in question does not currently have a business license.

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. 23-017

11. OTHER BUSINESS.

None.

Councilperson Taylor asked about logs left at railroad crossings.

City Manager Crouch said the city will continue to ask CSX to move the logs.

Councilperson Griswold asked about a development plan for west Auburn.

Councilperson Dawson said he agreed with Mr. Griswold and said the infrastructure needs to expand before the area grows too large.

12. CITIZENS' OPEN FORUM.

Herbert Walter Denmark, Jr. (412 Opelika Road, Apt. 111) spoke about mental health concerns and about traffic concerns at Toomer's Corner.

Robert Wilkins (261 Denson Drive) spoke about providing recreational facilities for the youth of Auburn.

13. **ADJOURNMENT.**

Councilperson Witten moved that the meeting be adjourned.
Councilperson Dawson seconded the motion, and all members voted aye.
The meeting was adjourned at 7:00 PM.

Mayor

ATTEST:

City Manager