

The City Council of the City of Auburn, Alabama, met in Adjourned Session on Tuesday, January 31, 2012 at 11:45 AM in the Council Chamber of the Public Safety Building at 141 North Ross Street.

1. **CALL TO ORDER.** Mayor Ham.

Mayor Ham called the meeting to order.

2. **ROLL CALL.**

Present: Councilmembers Brent Beard, Arthur L. Dowdell, Sr., Gene Dulaney, Sheila Eckman, Robin Kelley, Bob Norman, Dick Phelan, and Mayor Ham. Also present was City Manager Charles M. Duggan, Jr.

Absent: Councilmember Tom Worden.

3. **PROVISIONAL BALLOTS.** City Manager Duggan.
Accept from Lee County Board of Registrars.

City Manager Duggan accepted the Provisional Ballot information received from the Lee County Board of Registrars and made the following report: Two (2) provisional ballots were received in Ward 8. After opening the ballots it was determined that the total votes cast for the bond issue should be increased by two (2) votes. There were no provisional votes cast against the bond issue.

3. **RESOLUTION.**

Special Municipal Bond Election-2012. Certify Election Results.

City Manager Duggan noted for the record that two (2) Provisional Ballots cast for the bond issue be included in the Resolution to be considered by the Council. He said there were no votes cast against the bond issue.

Mayor Ham stated that this was the date fixed by law for the canvass of the returns of the Special Municipal Bond Election-2012 held in the City of Auburn on January 24, 2012, which had been called by Ordinance No. 2732, adopted on November 15, 2011. The Council, constituting a board of canvassers, thereupon proceeded to canvass the returns respecting the proposition submitted to the electors of the City of Auburn at the said election, and upon completion of such canvass the following Resolution, together with the preambles thereto, was introduced in writing by Councilmember Dowdell:

4. **RESOLUTION** (cont).

RESOLUTION NO. 12-13

**A RESOLUTION DECLARING THE RESULTS OF A
SPECIAL MUNICIPAL BOND ELECTION HELD IN
THE CITY OF AUBURN, ALABAMA, ON JANUARY
24, 2012, ON THE QUESTION OF THE ISSUANCE
OF CERTAIN GENERAL OBLIGATION BONDS OF
THE CITY**

WHEREAS, at a regular meeting of the Mayor and City Council (the "Council") of the City of Auburn (the "City") held on November 15, 2011, an ordinance was duly adopted by the Council in which a special municipal election was called to be held in the City on January 24, 2012 (being the fourth Tuesday in January, between the hours of 7:00 a.m. and 7:00 p.m.), for the purpose of submitting to the qualified electors of the City to determine their will with respect to the following proposition:

PROPOSITION

Whether the City shall be authorized to issue, on its credit, its general obligation bonds to the extent of \$4,000,000 in principal amount for the purpose of designing, acquiring, providing, equipping, constructing and financing (i) an expansion of the Frank Brown Recreation Center, (ii) a new public senior center, (iii) public parking improvements within the City (including, without limitation, pavement and expansion of public parking lots, improving public access to existing parking areas, landscaping improvements, acquisition of land and improvements for additional public parking areas, and acquiring new parking meters), and (iv) various other capital and infrastructure improvements, equipment and facilities within the City, which such bonds shall bear interest at a rate or rates not exceeding 7% per annum, payable semiannually, and shall be payable in installments in the following respective principal amounts on February 1 in the following respective years: 2013, \$250,000; 2014, \$265,000; 2015, \$275,000; 2016, \$290,000; 2017, \$305,000; 2018, \$320,000; 2019, \$335,000; 2020, \$355,000; 2021, \$370,000; 2022, \$390,000; 2023, \$410,000; and 2024, \$435,000.

WHEREAS, notice of the said election was published in The Auburn Villager, a newspaper published and having general circulation in the City, once a week for three consecutive weeks in the issues of the said newspaper published on November 17, 2011, November 24, 2011, and December 1, 2011, in the form of the said notice as provided in the said ordinance, the first of the said dates of

4. RESOLUTION (cont).

publication having been more than thirty days before the date of the said election, and having been on or before the fourth Thursday of the second month next preceding the month in which the said election was held;

WHEREAS, notice of the said election was also published in the Opelika-Auburn News, a newspaper published and having general circulation in the City, once a week for three consecutive weeks in the issues of the said newspaper published on November 17, 2011, November 24, 2011, and December 1, 2011, in the form of the said notice as provided in the said ordinance, the first of the said dates of publication having been more than thirty days before the date of the said election, and having been on or before the fourth Thursday of the second month next preceding the month in which the said election was held;

WHEREAS, the said election was held in the City on January 24, 2012, in all respects as provided in the said notice between the hours of 7:00 o'clock, a.m., and 7:00 o'clock, p.m., being the legal hours provided by law for the holding of the said election, and the ballots used in the said election were in all respects in the forms therefor set out in the said ordinance, and the officials who conducted the said election have duly made and duly filed with the Council their respective reports, returns, and certificates; and

WHEREAS, the Council is required by law to canvass the returns of the said election not later than noon on the first Tuesday immediately following the said election, and declare the results thereof, and at a meeting of the Council held at 11:45 a.m. on January 31, 2012, the Council, acting as a board of canvassers, has duly canvassed the said returns and ascertained the results of the said election with respect to the said proposition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, acting as a board of canvassers for the purpose of canvassing the results of the said election, as follows:

(1) the recitations contained in the foregoing preambles are hereby found and declared to be true and are hereby adopted as a part of this resolution;

(2) the said election was duly called, notice thereof was duly given, and the said election was duly held and the ballots used thereat were in all respects as provided by law; and

(3) at the said election on the said proposition (pertaining to the question of the authorization of the issuance of a proposed \$4,000,000 general obligation bond issue for designing, acquiring, providing, equipping, constructing and financing (i) an expansion of the Frank Brown Recreation Center, (ii) a new public senior center,

4. **RESOLUTION** (cont).

(iii) public parking improvements within the City (including, without limitation, pavement and expansion of public parking lots, improving public access to existing parking areas, landscaping improvements, acquisition of land and improvements for additional public parking areas, and acquiring new parking meters), and (iv) various other capital and infrastructure improvements, equipment and facilities within the City) a total of **1,274** votes were received and cast; of the said votes so received and cast **1,105** votes were received and cast for the said bond issue and **169** votes were received and cast against the said bond issue; that the number of votes received and cast in the said election for the said bond issue exceeded by **936** votes the number of votes received and cast in the said election against the said bond issue; and that at the said election a majority of the qualified electors of the said City who voted thereat voted in favor of the said bond issue.

Councilmember **Dowdell** thereupon moved that the foregoing resolution be adopted, which motion was seconded by Councilmember **Kelley** and, upon the same being put to vote, the following vote was recorded:

YEAS:

Councilmembers Beard, Dowdell, Dulaney, Eckman, Kelley, Norman, Phelan, and Mayor Ham.

NAYS:

None.

Mayor Ham thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

ADOPTED AND APPROVED by the City Council of the City of Auburn, Alabama, this the 31st day of January, 2012.

/s/ Bill Ham, Jr.
Mayor

ATTEST:

/s/ Charlie Duggan, Jr.
City Manager

4. **ADJOURNMENT.**

Councilmember Beard moved that the meeting be adjourned.
Councilmember Kelley seconded the motion and all members voted aye.
Mayor Ham declared the meeting adjourned at 11:52 AM.

Mayor

ATTEST:

City Manager