The City Council of the City of Auburn, Alabama, met in regular session on Tuesday, September 20, 2022, at 6:04 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, Jennifer Stephens, 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 September 6 Committee of the Whole meeting and nominated individuals for the Industrial Development Board.

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 Taylor said she will host a Ward 1 meeting on September 26 at 6 p.m.

Councilperson Parsons said he attended a luncheon hosted by Circles of Opelika, a non-profit group focusing on financial literacy. He added that the group is open to all area residents.

Councilperson Witten said the MLK Streetscape public meeting will be held on September 27 from 4-6 p.m. at the Boykin Community Center.

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.**

Deja Ruddick (4150 Academy Drive, Opelika) asked the Council to support the funding agreement with the Horseshoe Bend Regional Library.

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

a. Board announcements. Appointments October 18, 2022.

(1) Building Board of Adjustments. Two (2) vacancies. Terms begin November 3, 2022 and end November 2, 2026.

(2) Tree Commission. Three (3) vacancies. Terms begin November 8, 2022 and end November 7, 2025.

City Manager Crouch announced vacancies on the Building Board of Adjustments and the Tree Commission.

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 8g and 8d(9) from the consent agenda.

Councilperson Griswold asked to remove item 8d(10) from the consent agenda.

Councilperson Witten moved that the items on the consent agenda be adopted. Councilperson Hovey seconded the motion, and all members voted aye.

Mayor Anders declared the consent agenda items adopted.

a. Minutes. September 6, 2022 **APPROVED**
September 13, 2022 Special Called Meeting **APPROVED**

b. Alcohol beverage licenses.

(1) HFW, LLC d/b/a Session. 010 – Lounge Retail Liquor – Class I alcohol beverage license. Property located at 157 East Magnolia Avenue. **APPROVED**

(2) Ithaka Hospitality Partners Auburn Beverage, LLC d/b/a The Hotel at Auburn University. 140 – Special Events Retail alcohol beverage license. Property located at 182 South College Street. **APPROVED**

c. Business license penalty waiver request. Good Times. **APPROVED**

d. Contracts and agreements.

(1) A Better Court, LLC. Resolution authorizing resurfacing contract for Yarbrough Tennis Center hardcourts. $73,730. **Resolution No. 22-207**

(2) Alabama Public Library Service. Accept the Library Services and Technology Act Grant. $18,750. **Resolution No. 22-208**

(3) Auburn City Board of Education. School Resource and Canine Officer Agreement. August 1, 2022 - July 31, 2025. **Resolution No. 22-209**

(4) Davis Architects, Inc. Professional Services Agreement Additional Services Nos. 2 and 3. Lake Wilmore Project. $819,815 **Resolution No. 22-210**

(5) Donohoo Chevrolet, LLC. Purchase ten (10) marked 2023 Chevrolet Tahoe PPV vehicles. Police Department. $341,097.60. **Resolution No. 22-211**

(6) General Maintenance Contractors of East Alabama, Inc. Lighting Improvements Project for South College Street, Samford Avenue, and Gay Street. $630,000 **Resolution No. 22-212**

(7) Mayer Electric Supply Company, Inc. Project No. STPOA-4116(250) Resurfacing, Widening, Traffic Signals, and Drainage Improvements on South College Street, Samford Avenue, Gay Street and Reese Avenue. $77,939.01. **Resolution No. 22-213**

(8) Global K9 Solutions. Purchase one (1) Narcotics Detection/ Tracking Canine. $15,000. **Resolution No. 22-214**

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

(9) Horseshoe Bend Regional Library. Membership Renewal. $45,846.

This item was removed from the consent agenda.

(10) Lee County Humane Society, Inc. Animal sheltering services $201,331 for FY 2023.

This item was removed from the consent agenda.

(11) NAPA Auto Parts of Auburn, AL. Purchase one (1) Coats Model CHD9551 heavy duty tire changer. Environmental Services Department. $40,116.82. **Resolution No. 22-217**

(12) National Auto Fleet. Purchase of three (3) F-150 pickup trucks. Parks & Recreation Department. $125,857.80. **Resolution No. 22-218**

(13) Projility, Inc. Projility Expert Care Software Support Agreement. $25,000. **Resolution No. 22-219**

(14) Seay Seay & Litchfield Architects, P.C. Professional Services Agreement. Public Safety Training Center-Phase 2 Classroom Building Project. $198,000. **Resolution No. 22-220**

(15) Stivers Ford Lincoln. Purchase two (2) 2023 Ford Police Interceptor Utility hybrid vehicles. $79,150. **Resolution No. 22-221**

(16) Timber Pro Tree Service. Tree removals, pruning and stump grinding in parks. $21,500. **Resolution No. 22-222**

(17) Timmons Group. Permit Portal and Cityworks PLL Support Contract. $24,800. **Resolution No. 22-223**

e. Easements.

(1) Barrett-Simpson, Inc. Accept rights-of-way and various drainage, utility, and greenway easements. Property located on the north side of Mrs. James Road, west of the Old Samford development. Quail Chase, Phase 1. **Resolution No. 22-224**

(2) PSM Alabama Holdings, LLC. Temporary Construction Easement. Hamilton Road Improvements Project. **Resolution No. 22-225**

f. Board appointments. Industrial Development Board. Three (3) positions. Terms begin October 10, 2022 and end October 9, 2028.
Resolution No. 22-226 (Rod Cater, Martee Moseley, Jim Buston)

g. Settlement. Opioid lawsuit.

This item was removed from the consent agenda.

d. Contracts and agreements.

(9) Horseshoe Bend Regional Library. Membership Renewal. $45,846.

City Manager Crouch said this resolution authorizes the city manager to execute a contract with the Horseshoe Bend Regional Library.

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

Mayor Anders asked had several questions about the contract.

Library Director Tyler Whitten answered questions about the contract.

Councilperson Dawson moved that the resolution be adopted.
Councilperson Dixon seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-215

(10) Lee County Humane Society, Inc. Animal sheltering services $201,331 for FY 2023.

Councilperson Griswold asked questions about the agreement.

Environmental Services Director Catrina Cook answered the questions.

Councilperson Dixon moved that the resolution be adopted.
Councilperson Parsons seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-216

g. Settlement. Opioid lawsuit.

Mayor Anders asked for general information on the settlement.

City Manager Crouch spoke about the settlement.

Councilperson Witten moved that the resolution be adopted.
Councilperson Dixon seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-227

9. **ORDINANCES.**

a. Zoning and Annexations. Planning Commission recommendations. Unanimous consent necessary.

(1) Matt Cobb on behalf of AU Alliance, LLC. Annex approximately 7.90 acres. Property located on the north side of Beehive Road and west of the Auburn Technology Park West. Sonic Tools.

City Manager Crouch said this ordinance annexes approximately 7.90 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 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.

Upon roll call vote, the following Council members voted aye: Dawson, Dixon, Griswold, Hovey, Parsons, Stephens, Taylor, Witten, and Mayor Anders. Voting no: None.
Mayor Anders declared the ordinance adopted.
Ordinance No. 3397

9. **ORDINANCES (cont).**

(2) Matt Cobb on behalf of AU Alliance, LLC. Rezone approximately 9.00 acres from Rural (R) to Industrial (I). Property located on the north side of Beehive Road and west of the Auburn Technology Park West. Sonic Tools Rezoning. Public hearing required.

City Manager Crouch said this ordinance rezones approximately 9 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 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: Dixon, Griswold, Hovey, Parsons, Stephens, Taylor, Witten, Dawson and Mayor Anders. Voting no: None.
Mayor Anders declared the ordinance adopted.
Ordinance No. 3398

(3) TJ Johnson on behalf of Scott Hanson and Sarah Hendricks and Hanson Grimes Land, LLC. Pre-zoning of approximately 156.27 acres from Rural (R) to Limited Development District (LDD). 943 Lee Road 57 (Willis Turk Road) and also along Wimberly Road. The Stables Pre-zoning. Public hearing required.

City Manager Crouch said this ordinance pre-zones approximately 9 acres. She added that a public hearing was required. She said the applicant requested to postpone the item to December 6, 2022.

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 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.

TJ Johnson (421 Opelika Road) spoke about the project.

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

9. **ORDINANCES (cont).**

Councilperson Dawson said he has discussed this project with the city manager and he understands the city's infrastructure is not ready for a development of this size in that area at this time.

The Council asked questions about the development.

City Manager Crouch and Planning Director Steve Foote answered the questions.

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

(4) TJ Johnson on behalf of Scott Hanson & Sarah Hendricks and Hanson Grimes Land, LLC. Rezoning to apply the Planned Development District (PDD) designation to approximately 156.27 acres zoned Limited Development District (LDD). Property located at 943 Lee Road 57 (Willis Turk Road) and also along Wimberly Road. The Stables PDD. Public hearing required.

City Manager Crouch said this item would not be considered because it was dependent upon the passage of item 9a(3).

(5) TJ Johnson on behalf of Scott Hanson and Sarah Hendricks and Hanson Grimes Land, LLC. Annex approximately 146.6 acres. Property located on the east side of Willis Turk Road and also on the west side of Wimberly Road. The Stables Annexation.

City Manager Crouch said this item would not be considered because it was dependent upon the passage of item 9a(3).

10. **RESOLUTIONS.**

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

(1) Auburn Self Pour, LLC on behalf of Cox Properties-AL, LLC. Commercial and entertainment use (lounge). Property located at 200 West Glenn Avenue, Suite 200. Auburn Self Pour. **Resolution No. 22-228**

City Manager Crouch said this resolution authorizes conditional use approval for a commercial and entertainment 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 asked if this is a family establishment.

Dion Peoples (2321 Hampshire Court) said this business will be family friendly and will have protocols for accessing the taps.

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. 22-228

(2) Brett Basquin on behalf of Lee Zhang & Nannan Liu. Performance residential use (multiple-unit development). Property located at 1764 Miracle Road. Miracle Road Townhomes MUD.

10. **RESOLUTIONS (cont).**

City Manager Crouch said this resolution authorizes conditional use approval for a performance residential use (multiple-unit 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 Griswold asked if the Planning Director Foote is charged with determining what is and is not a private dormitory.

City Manager Crouch said the Planning Director is the arbiter of the Zoning Ordinance.

Planning Director Foote said the Zoning Ordinance provides definitions of private dormitories and academic detached dwelling units and his staff looks to that document to make those determinations. He said if questions come up he is the final authority for interpreting the Zoning Ordinance.

Councilperson Parsons moved that the resolution be adopted.
Councilperson Witten seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-229

(3) Matt Cobb, Cobb Engineering, PLLC, on behalf of AU Alliance, LLC. Commercial support use (warehouse distribution facility). Property located on the north side of Beehive Road and west of the Auburn Technology Park West. Sonic Tools Warehouse Distribution Facility.

City Manager Crouch said this resolution authorizes conditional use approval for a commercial support use (warehouse distribution facility). 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 moved that the resolution be adopted.
Councilperson Parsons seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-230

(4) Tim Minor on behalf of Beck Bradham, Inc. Road service use (fast food restaurant with drive-thru). Property located at 1521 E. Glenn Avenue. Taco Bell conditional use.

City Manager Crouch said this resolution authorizes conditional use approval for a road service use (fast food restaurant with drive-thru). 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 Hovey seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-231

10. **RESOLUTIONS (cont).**

(5) Richard Tomasello on behalf of Owens Family Partnership, LLC. Road service use (coffee shop with drive-thru). Property located on North Donahue Drive, south of Shug Jordan Parkway and north of Ruth Way. Well Red Two. **Resolution No. 22-232**

City Manager Crouch said this resolution authorizes conditional use approval for a road service use (coffee shop with drive-thru). 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. 22-232

b. Vacation. Auburn Housing Authority. Vacation of right of way and authorize execution of quitclaim deed. Property located on Crosby Avenue (also known as Crosby Circle). Public hearing required.

City Manager Crouch said this resolution assents to the vacation of right-of-way located on Crosby Avenue and authorizes the Mayor and City Manager to execute a quit claim deed relinquishing the property to the Auburn Housing Authority. 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 Dixon seconded the motion, and all members voted aye.
Mayor Anders declared the resolution adopted.
RESOLUTION No. 22-233

11. **OTHER BUSINESS.**

None.

12**.** **CITIZENS' OPEN FORUM.**

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

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 7:17 PM.

_____
Mayor

ATTEST:

_____
City Manager