

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, FEBRUARY 11, 2016

The Honorable Council of the City of Huntsville, Alabama met in regular session on Thursday, February 11, 2016, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Culver
Councilpersons:	Russell, Robinson, Kling, Showers
Mayor:	Battle
City Administrator:	Hamilton
City Attorney:	Riley
Assistant to City Clerk-Treasurer:	Bell

President Culver called the meeting to order.

Imam Ragab Khamees led the invocation; Councilman Showers led the pledge of allegiance.

President Culver stated that the next item on the agenda was Approval of the Minutes of the Regular Meeting of the Council on January 28, 2016. He asked if there were any corrections or additions.

Councilman Russell stated that he believed there should be a correction concerning Resolution No. 16-062, noting that this was Councilman Kling's request for travel, which was very complicated. He stated that it should be shown that

Councilman Kling and Councilwoman Robinson had made the motion and the second for the amendment, not Councilman Showers and Councilwoman Robinson.

Councilman Russell moved to correct the minutes as previously stated, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Culver stated that the minutes were approved as corrected.

President Culver stated that the next item on the agenda was Resolutions and Special Recognitions.

President Culver recognized Mayor Battle. He asked Kenny Anderson to come forward for the presentation of the STAR 99.1/CAFY Young Citizen of the Month. He also asked Bobby Pastorelli and his parents to come forward, as well as other members of the group making the presentation.

Mr. Anderson stated that each month they had the opportunity to celebrate a young person in the community who was doing something wonderful, noting that the community was full of young people doing this, so that it was especially honorable that they could speak to and recognize Bobby Pastorelli at this time.

Mr. Anderson stated that Bobby was a 12th grade student at St. John Paul II Catholic High School. He stated that some of Bobby's community service included the Huntsville-Madison County Veterans Memorial Foundation, the American Red Cross, the Downtown Rescue Mission, Habitat for Humanity, and many

other things. He stated that he had received the National Student Leadership Program Certification in Engineering, and that he was dedicated, with a true servant's heart, and displayed an extraordinary commitment to serving others. He stated that he wanted to attend college and major in computer science and hoped to obtain a rewarding position that utilized his experiences, his leadership, education, and skills.

Mr. Anderson stated to Bobby that he was the February STAR 99.1/CAFY Young Citizen of the Month and congratulated him. He stated that they would be sharing some more love with him at this time, starting with Captain Rice.

Captain Jeffery Rice of the Huntsville Police Department, stated that on behalf of Chief Mark McMurray and the entire Huntsville Police Department, he wanted to commend Bobby for a job well done. He stated that they encouraged him to continue in the future to be a leader in the community and to continue to be a part of the shining star of Huntsville, Alabama. He made a presentation to him.

Dr. Harry Hobbs stated to Bobby that on behalf of Huntsville Utilities and its CEO, Mr. Jay Stowe, they had something for him, something for his mind, his body, and his spirit, as well as a card that he should not spend all in one place. He congratulated him and asked him to continue to do great things.

A representative of the Optimist Club of Huntsville stated

to Bobby that the motto of the Optimist Club was "Bringing out the best in young people," noting that they had been doing this since 1947 in the community. He stated that they had thought there would be no better way to participate in the community than to be a part of this program. He stated that they would like to offer him a gift certificate for his achievements and urge him to continue to do well.

Mr. Aladdin Beshir stated that on behalf of the Human Relations Commission, he would like to congratulate Bobby for this prestigious honor, noting that it was a great honor for the community to have a young person like him who brought value to the community. He stated that he was proud to be part of the team that was recognizing him and presented a certificate to him, wishing him good luck in his future endeavors.

A representative from STAR 99.1 made a presentation to Bobby, congratulating him on this recognition. He stated that one day perhaps they would be standing before Mayor Pastorelli, Governor Pastorelli, or perhaps even President Pastorelli. He congratulated him on this achievement and wished him good luck.

Mayor Battle congratulated Bobby on behalf of the City of Huntsville and stated to his parents that they had done a great job in raising this young man and making sure he lived up to the ideals they had lived up to on a day-to-day basis. He stated that if Bobby wanted to say thank you, he should thank his parents, because they were the ones who had made this happen.

Mayor Battle presented a coin from the City to Bobby, noting that it was to say thank you and stating that it was given to persons who did great things in the city. He congratulated him and thanked him.

Councilman Russell read and introduced a resolution recognizing Judge Joyce London Alexander Ford as the guest speaker at the Alabama Democratic Conference 2016 Annual Membership Breakfast, to be held February 20, 2016, as follows:

(RESOLUTION NO. 16-84)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

President Culver recognized Councilman Showers.

Councilman Showers stated that he would be presenting the above resolution, on behalf of the Mayor and the Council, at the ADC Annual Breakfast.

President Culver read and introduced a resolution congratulating the Epsilon Gamma Omega Chapter of the Alpha Kappa Alpha Sorority, Incorporated, on its 58th Annual Debutante Presentation and Ball, to be held February 19, 2016, as follows:

(RESOLUTION NO. 16-85)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Culver recognized Councilman Showers.

Councilman Showers stated that he would be presenting the above resolution on behalf of the Mayor and the Council at this event.

Councilman Kling read and introduced a resolution honoring The Life and Achievements of Charles Cox, Sr., as follows:

(RESOLUTION NO. 16-86)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Russell and was unanimously adopted.

Councilman Kling stated that the above resolution would be presented to the family the following week, noting that it was an opportunity for them to recognize Mr. Cox, whom he noted had been involved in numerous civic, sports, and professional associations in the Huntsville/Madison County area.

President Culver stated that the next item on the agenda was Announcements.

President Culver stated that the Administration had requested that the Council consider at this meeting, by unanimous consent, items 14.a and 14.b on the agenda. He stated that these items were on the agenda for introduction, and the Administration had advised that consideration of these items at this meeting was necessary. He stated that these items would be considered later in the meeting, at the proper place on the agenda.

President Culver stated that, also, Councilman Kling had requested unanimous consent to have an item added to the

agenda. He stated that this was a resolution authorizing the City Council of the City of Huntsville to pledge the amount of \$4,600 toward the minimum local match requirement for a potential grant from the Alabama Historical Commission to the Huntsville Historic Preservation Commission for the professional survey of the historic McThornmor Acres neighborhood necessary to determine its eligibility for the National Register of Historic Places.

President Culver moved for unanimous consent to add this item to the agenda.

Councilman Russell called a point of order. He stated that to add something to the agenda all that was needed was a two-thirds vote, that unanimous consent was not needed.

President Culver thanked Councilman Russell and asked if there was any further discussion.

Councilman Kling stated that he would second President Culver's motion to place the item on the agenda.

President Culver stated that the motion was made by the Chair and seconded by Councilman Kling, and asked if there was any further discussion.

There was no response.

President Culver called for the vote on the above motion, and it was unanimously approved.

President Culver stated that this item would be addressed as item 15.cc on the agenda.

President Culver stated that the Council would be holding

a work session on March 3, 2016, at 5 p.m. He stated that there would be a discussion of the minimum wage and of traffic flow in the city. He stated that if Council members wished to add any items to the agenda, they should contact Ms. McWilliams, the Council's assistant.

President Culver stated that the next item on the agenda was Public Hearings To Be Held.

President Culver stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the approval of an Urban Renewal/Redevelopment Plan for Research Park East, which hearing had been set at the January 28, 2016, Regular Council Meeting.

President Culver recognized Mr. Shane Davis, Director of Urban Development.

Mr. Davis stated that he would like to make a brief presentation before inviting public comment.

Mr. Davis made a PowerPoint presentation.

Mr. Davis stated that this hearing concerned the Research Park East Urban Renewal/Redevelopment Plan. He continued that perhaps the first question the audience might have would be "What is an Urban Renewal/Redevelopment Plan?"

Mr. Davis stated that an Urban Renewal/Redevelopment Plan defined a specific area within a community that had been determined to be in need of redevelopment, rehabilitation, or conservation in order to reverse and prevent blighted conditions, such that the health, safety, morals, and economic

welfare would be preserved within that community.

Mr. Davis stated that they were speaking about Cummings Research Park, and, more specifically, Cummings Research Park East.

Mr. Davis stated that he would provide some background of which the Council was very much aware. He stated that Cummings Research Park was the second largest Research and Development Park in the United States and the fourth largest in the world. He stated that it covered just under 4,000 acres and had nearly 300 corporate offices, and employed roughly 35,000 persons.

Mr. Davis stated that Cummings Research Park, along with Redstone Arsenal, had a \$12.9 billion economic impact on the Tennessee Valley region. He stated that the major industries included aerospace, defense, engineering, biotechnology, advanced manufacturing, software development, and ITS services. He stated that that, in a nutshell, was a very important component of this community, and had been for more than 50 years.

Mr. Davis stated that Cummings Research Park was divided into two primary sections which were separated by Research Park Boulevard: Research Park West and Research Park East.

Mr. Davis stated that this Urban Renewal/Redevelopment Plan focused on the Cummings Research Park East area and its surrounding properties.

Mr. Davis stated that Cummings Research Park East was the original and oldest section of the Park, noting that some

properties within CRP East dated back to the 1960s. He stated that over the past decade, Research Park East and portions of its surrounding area had experienced an increase in vacancies and relocations due to deteriorated and aging structures which were causing blighted conditions or that would extend into more blighted conditions. He stated that without a focus and a plan to reverse and prevent further decline, these conditions would continue and would contribute to the spread of blight into adjacent areas. He stated that this was the reason they were bringing this Plan to the Council at this time for consideration.

Mr. Davis stated that as far as support data for the Urban Renewal/Redevelopment Plan, the City had been working with the Planning Department, the Huntsville Police Department, the Chamber, and other resources to compile data to justify this Plan and the need for the Plan, and that he would like to present some of these findings at this time.

Mr. Davis stated that the slide being displayed showed property structure and age. He stated that for everything one saw highlighted in blue, the structure age was at least 25 years old. He stated that this was the oldest part of Research Park, dating back to the 1960s, and that its surrounding area, the commercial corridor, had grown up around University Drive at the same point and period.

Mr. Davis stated that the next map being displayed indicated Property Utilization. He stated that this was a

color-coded map from where they had identified and surveyed and evaluated properties within the boundaries of this proposed Plan. He stated that the areas that one saw in red were deteriorated and 100 percent vacant, and that the ones one saw in blue were deteriorated and had some percentage of vacancies, ranging from 10 percent to approximately 50 percent. He continued that the ones that one saw in the grayish-brown were deteriorated and occupied, and the ones that were the bright blue were 25-plus in age, with some vacancies. He stated that typically these had less than 25 percent vacancy, so that they were sound but had some deterioration and vacancy. He stated that the green-shaded areas were vacant lots that they had identified, with a plan that those lots could become a part of the community and the development and contribute to the overall economy.

Mr. Davis stated that the next slide was showing the Huntsville Police Department's 2015 calls for service in this area. He stated that this period had started January 1 and ended December 31, 2015. He stated that the points that were indicated in red had between 151 and 462 calls. He stated that Madison Square Mall was on the high end of this and actually had 1475 calls for service in 2015. He continued that there were just under 1500 calls for service in that general location.

Mr. Davis stated that one could see on the map that this varied in the northwest quadrant and the Old Madison Pike area.

Mr. Davis stated that he wanted to zone in on the 1475 calls in what they were calling the "Priority One Zone." He stated that this plan identified four zones to focus on, and that they had given priority on what they believed would be the best return to the communities should they adopt the Plan and implement it. He stated that the Priority One Zone was the northwest quadrant of Research Park Boulevard and University Drive and Old Monrovia. He continued that the Priority Two Zone was Wynn Drive near Calhoun College and Old Madison Pike, that for the Priority Three Zone, the focus area was at Bradford and Wynn Drive; and that the Priority Four Zone was Sparkman and University, just northwest of the UAH campus.

Mr. Davis stated that they had taken the HPD calls for service for the Priority One Zone and had done a little deeper dive because it had the most calls for service. He stated that the entire area that had a recorded case load from where HPD had gotten a call for service and a case had been made once they had arrived and evaluated the situation totaled 1269 actual, documented cases out of the 1475. He stated that the displayed chart represented 1,002 of those 1269 actual filed complaints. He continued that one could see there were over 300 arrests; and that breaking and entering of automobiles was right at 75, noting that this was for one calendar year; that the theft of property was over 200; drug activity was almost 100 cases; harassment of someone in the public was over 50; fraudulent use of credit or debit, about 25 for the year; and

menacing, or causing a threat to someone, was almost 100; assault was right at 20; criminal mischief and property damage was almost 50; and robbery and burglary was right at 60.

Mr. Davis stated that one could see that there was a need for this Urban Renewal Plan, especially in this one section. He stated that he wanted to go into the details of the Plan and how they could reverse this trend. He stated that this had been very concerning to them through the BIG Picture process and was something they thought they should bring to the Council for consideration.

Mr. Davis stated that the Research Park East Urban Renewal/Redevelopment Plan had been developed in concurrence with the vision and objectives of both the City's Comprehensive Master Plan, more commonly known as "The BIG Picture," and the Cummings Research Park Master Plan. He continued that it was in concert and in the vision of both of those plans as to what the City and the community desired those places to be.

Mr. Davis stated that the Plan Area was approximately 500 acres, noting that this was shown in yellow on the displayed map. He stated that it was predominantly bound to the north by University Drive, to the south by I-565, to the west by Research Park Boulevard, and that predominantly Wynn Drive was the east boundary, noting that that was all but the one small section in the northwest quadrant, which was Sparkman.

Mr. Davis stated that next was the Goal Statement of the

Plan. He stated that the Research Park East Urban Renewal/Development Plan's predominant goal was to transform the Plan Area into a more economically viable, physically attractive, people desirable, fully developed, and highly functional part of the community in and around Cummings Research Park.

Mr. Davis stated that the Plan Area was again being displayed, with parcel data, so that one could see the number of parcels within the Plan Area.

Mr. Davis stated that the next screen was the Plan Objectives. He asked if the Council so chose after this public hearing to adopt this Plan, what would be the goals and objectives to come out of the Plan. He stated that one would be to eliminate the blight, the blighting and deteriorated conditions, and blighting and deteriorating influences of improved and unimproved property within the Plan Area. He continued that the goal was to eliminate underutilization, obsolete layout, diversity of ownership, and defective or unusual title conditions that were preventing some of these properties from being able to be redeveloped. He continued that it was to restore the economic vitality of the Plan Area through a mix of compatible and appropriate land uses, such as residential, office, retail, services, parks, and institutional uses. He continued that an objective was to promote and assist with the development of new urban centers, neighborhoods, commercial development, and business environments that would

further strengthen Cummings Research Park, the adjacent neighborhoods, and the University of Alabama at Huntsville.

Mr. Davis stated that further objectives were to provide public improvements, such as streets, utilities, lighting, sidewalks, parks, plazas, landscaping, sidewalk amenities, entertaining venues, and other applicable public infrastructure to create a safe and attractive environment for the overall community. He continued that it would be to revitalize and improve the appearance and conditions of properties along and within the Research Park East Plan Area; and to promote and assist in residential development within the Plan Area by establishing an environment for viable mixed-use, urban-style neighborhoods of high density and design quality, with appropriate amenities to provide long-term stability for the Huntsville community, including Cummings Research Park. He continued that it was to provide public open space opportunities which were lacking within the Plan Area to allow for recreational opportunities for the general public.

Mr. Davis stated that part of this plan required an Acquisition Plan, either by the City or partnered with private entities, to get these properties redeveloped. He stated that the Plan identified these areas of focus, being the northwest quadrant of the Priority One Zone, near University Drive and Research Park Boulevard; the center node of Research Park East, which was Bradford and Wynn; and the old Chrysler Electronics Building adjacent to Calhoun Community College at Wynn Drive

and Interstate I-565.

Mr. Davis stated that through evaluation of the Plan, the highlighted acquisition areas had been identified as locations that were contributing to the deterioration and blighted conditions within the Plan Area. He continued that they were in need of redevelopment assistance.

Mr. Davis stated that the City of Huntsville would work diligently in these acquisition areas to acquire parcels that were necessary for the implementation of the Plan. He continued that this did not mean that the City of Huntsville would necessarily purchase all these pieces of property, that they would just assist in trying to get these properties redeveloped, either through the new streets he had mentioned, buying some right-of-way, or working to make public park areas within the Plan.

Mr. Davis stated that next was the Public Improvement Plan and stated that he would briefly describe this. He stated that one of these was to create a "lot and block" street network in the northwestern portion of the Plan Area to create more density and improve the utilization of existing properties. He stated that this was indicated on the slide near the Sanderson Road/University Drive area. He stated that this was 105 acres that was once a very vibrant regional mall. He continued that the city was very close to retail saturation. He stated that through the BIG Picture Plan in the prior three years, they had quickly identified that this could not be a

regional mall anymore. He stated that 105 acres was a very large piece of property, and that through the Master Plan and the BIG Picture, the plan was to make this smaller pieces of property for redevelopment that would encourage an urban center.

Mr. Davis stated that another part of the Plan was to create a Sanderson Road Extension to 255, to allow for better connectivity and access to the Park and to UAH from Research Park Boulevard. He continued that there would also be improvements to Bradford Drive, which he noted would be more of a complete street-type format, with high pedestrian activities, as far as bicycle lanes, very wide sidewalks, and improved lighting through the Park, to encourage that mixed-use within the Park, of being able to live, work, and play in Research Park, like the Master Plan had suggested.

Mr. Davis stated that there would be improvements to Old Madison Pike, creating what he had explained for Bradford Drive, highly pedestrian, accessible, and highly visible from an aesthetic appeal.

Mr. Davis stated that improvements to Wynn Drive would be the same, highly visible, very accessible, pedestrian activity, and very appealing to the public, for persons to want to engage and be part of that core. He continued that there would be streetscape improvements within the Plan Area.

Mr. Davis stated that there would be the redevelopment of the Wynn Drive/Bradford Drive intersections to provide

alternate uses that would enhance the livelihood of the Plan Area. He stated that, as he had mentioned, when he had displayed the utilization map, three of these four intersections were 100 percent vacant, so that this was in need of redevelopment.

Mr. Davis stated that there would be the redevelopment of the University Drive/Sparkman Drive area to uses that would add community value to the nearby neighborhoods and the University of Alabama Huntsville. He stated that there was a very dilapidated structure that was in the process of being sold, that it had about 10 percent utilization and had some age and had experienced some crime. He stated that they did not have the intent to go and take this property over and become redevelopers but to reach out and search for developers that would assist in the redevelopment, with the City's effort of putting new public infrastructure in and around the area, similar to what they had done in the downtown area. He stated that they had done an urban renewal plan for the downtown area in the mid '80s and had identified the same type actions and infusion of the City in public infrastructure. He stated that it had taken awhile to begin seeing the fruits of that labor, but he believed that in recent years persons could see the results of just staying focused on that plan.

Mr. Davis stated that he had previously mentioned the Priority Zones. He stated that implementation of the Urban Renewal/Redevelopment Plan would be carried out in multiple

phases based on the availability of funding. He continued that in order to maximize the benefits to the community, the Plan had identified Priority Zones that were recommended as a implementation sequence as funding was available.

Mr. Davis stated that he had previously shown the raw data of creating these Priority Zones, from vacancy rate to dilapidation to high crime, noting that they had put all these together to kind of focus on Priority Zones.

Mr. Davis stated that Priority One Zone would be University Drive/Old Monrovia Road, in the northwest quadrant of the Plan Area. He continued that Priority Two Zone would be Old Madison Pike/Wynn Drive, coming to the southern end of that, with the investment that Calhoun Community College was making, trying to focus on widening up that campus area with the old Chrysler Building that had been vacant for many, many years.

Mr. Davis stated that Priority Three Zone would be the Bradford Drive/Wynn Drive area. He stated that, again, this was probably the most critical and most utilized intersection for Research Park East. He stated that, as persons were aware, Redstone Federal Credit Union had expanded into a gorgeous campus in the southwest quadrant, but that the other three quadrants were 100 percent vacant.

Mr. Davis stated that Priority Four Zone would be the University Drive/Sparkman Drive area, stating that he had previously mentioned the condition of this.

Mr. Davis stated that another question might be what would be the next steps if the Council chose to move forward with this Plan. He stated that one would be to consider the adoption of the Plan at this time, and that two would be for the City to begin to identify funding options for implementation of the Plan. He stated that, as he had mentioned previously, the City would not do this by itself. He stated that they needed to set the conditions by making some public improvements such that redevelopers would want to come into this area and invest private dollars. He stated that the majority of this redevelopment would be private dollars, believing in the plan, believing in the area to reinvest in. He stated that there would be the design of the public improvements that he had mentioned, for implementation. He stated that there would be much discussion through the Planning Commission of bringing those forward and to the Council, as to what the streetscapes would look like. He continued that they should identify private development opportunities and partners to aid in the financial implementation and redevelopment of the Plan Area. He stated that, as he had mentioned previously, predominantly all of this property was privately owned, and they wanted private dollars to reinvest in it.

Mr. Davis stated that they should schedule and implement a regular review and update of the Plan, including any amendments that might be necessary.

Mr. Davis stated that upon adoption of this Plan, any

changes that the City would desire to make would have to come before the Council, and the Council would have to vote to amend the Plan to accept those proposed changes.

Mr. Davis stated that at this time he would answer any questions.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular matter.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she had a lot of questions. She asked why this was being presented at this time for the first time and for the Council to vote on. She asked if the Council had seen this previously.

Ms. Reed stated that perhaps they would answer her when she got through speaking, stating that mum was the word when she asked them something.

Ms. Reed stated that this was a big, big idea. She continued that some developers were pushing this. She asked what the zoning of this property was, if it was an industrial development area.

Ms. Reed asked if they did not have any answers. She stated that she certainly wished they had held a work session on this and she could have gotten a lot of this out so she could tell the public.

President Culver stated to Ms. Reed that they would address her questions when she had completed her remarks.

Ms. Reed stated that it was a shame and a sin that the Council did not have a work session, including Mayor Battle and all the Council members, and bring this matter up, like they had previously done, before the public, and let persons find out what they were trying to do in the city.

Ms. Reed stated that she remembered one time when changing the name of Cummings Research Park had come to the City, and she was in attendance at that meeting, and Milton Cummings' daughter had blocked changing the name of Cummings Research Park. She stated that they had been trying to get in there, and they were going to put in residential. She asked if they were going to buy any of it. She asked if they were going to do like they did with Reid Hardware up on the Parkway, and Terry's Pizza.

Ms. Reed stated that she believed this needed to go back to a work session, and that they should invite the public and let the public have some answers before they voted on this. She stated that they could do what they wanted to, because they were going to, anyway. She stated that some of the developers had gotten in their pockets somewhere. She continued that she could not see them, and she did not know who they were. She stated that yes, she was accusing them of this.

Ms. Reed stated that she would like for someone to answer her questions. She asked how much of this the City was going to buy and if they were changing the zoning.

President Culver asked Mr. Davis if he could address

Ms. Reed's questions, as to what the zoning was. He stated that he could answer whether or not the Council had gotten notice of this prior to the meeting. He stated that they had received electronic notice of it prior to the meeting. He stated that the next question was was the City going to buy any of this property.

Mayor Battle stated to President Culver that he might want to point out that this had been introduced at the Council meeting two weeks prior, and that they had had at least two weeks of conversation on it. He continued that they had had months of conversation on it with the Research Park Board, with UAH, and with other entities which were involved in this, in portions of it. He stated that it helped to modify this area. He stated that they were having a new building built on Old Madison Pike, and that it might be that they would end up boulevarding Old Madison Pike, from in front of Calhoun all the way up to Bridge Street, which would open up a whole new area that would give them a lot of flexibility in Research Park, and would also save portions of Research Park.

Mayor Battle stated that another area was the intersection of Wynn Drive and Bradford Drive. He stated that Erin Koshut, the Director of the Park, was present at the meeting, and that she had pointed out many months prior that they had had a homeless camp in that area. He continued that there were some places in there where they had abandoned buildings that they needed to be able to use. He stated that this would get them

ahead of the process as they got in and started having their comprehensive plan, their plans for Research Park, and would give them a chance to move forward.

Mayor Battle stated that another question concerned the zoning and stated that most of it was Research Park Zoning, Commercial Zoning.

Mayor Battle asked Mr. Davis if he would like to comment further on this.

Mr. Davis stated that this had been introduced at the prior Council meeting, to let the public be aware that there would be a public hearing. He stated that this was kind of a work session before the Council would vote on this at this meeting.

Mr. Davis stated that the zoning, as Mayor Battle had pointed out, was all Research Park Office, and the northern boundary was Commercial.

Mr. Davis stated that there were no residential properties in the Plan, so there were no residential zoning districts in the Plan Area.

Mr. Davis stated that they had sat down with UAH, and they were greatly in favor of this, as well as was the Research Park Board.

Mr. Davis stated that another question he believed Ms. Reed had was if the City would purchase some of this property. He stated that at this time there was no answer for that question. He continued that they could very well be

purchasing property. He stated that he wanted the public to know that the next step would be specific project plans, but that those would be an amendment to this Plan. He stated that, for instance, if, concerning the Chrysler Electronics Building on Wynn Drive, they had a developer come in and say, "We want you to do 'X' public improvements, and we will buy this and tear it down," that would be a specific project plan, that it was a plan they would present to the Council, and the Council could adopt and vote to carry forward with that, and it would become an amendment to the Plan that was on the floor at this time. He stated that the Council's adopting this Plan would not give them the power to go and develop anything. He stated that as they came back with specific projects to carry out the vision of this Plan he had just presented, they would become amendments to the Plan, that it would be something the Council would have to adopt, something that the public would have much more information on it before the Council would vote on it.

Mr. Davis stated that this was just setting a boundary and a vision and a desire to see this area redeveloped and to become more vibrant, to what it had previously been.

Mayor Battle stated that any actions in this process would have to be voted on by the Council, so that each one would come back to the Council.

President Culver recognized Councilman Kling.

Councilman Kling stated that he agreed with what Ms. Reed had said about wanting the public to know what they were doing.

He continued that he believed Mayor Battle and his staff had done a pretty good job on this, that in addition to being introduced at the last meeting, he saw that their friends from the news media were present at the meeting, and that this would perhaps be something the public would see on the 10 o'clock news, and possibly on the following morning. He stated that he had noticed while Mr. Davis was making his presentation, that the slides that were on the screen were being shown on the TV broadcast. He stated that as far as members of the general public who were present at the meeting at this time, there would perhaps be 30 or 35 persons. He continued that he would assume that there were many more persons watching this broadcast through the cable companies. He stated that work sessions were good, but that he liked the idea of using the media to get the word out. He continued that at this time a lot of persons were able to watch this presentation, that they had seen the slide presentation and had heard the questions Ms. Reed had asked and that Mayor Battle and others had responded to. He stated that he believed things had changed somewhat, where rather than just being in a small room with a small number of people, they were using the modern media to get things out to the public more, and that he believed they should continue to do this. He stated that Ms. Reed had asked some good questions, and that he was glad they were able to get responses to them.

Mr. Davis stated that he had something he wanted to add.

He stated that per the Alabama Statute on creating an urban renewal and redevelopment plan, the process was to hold a public hearing during a Council meeting, not a work session. He stated that the reason they had advertised two weeks prior about the hearing and were at this time having the hearing was as required.

President Culver asked Ms. Reed if they had satisfied all her questions or if she had any further questions.

Ms. Reed stated that the people sitting in their homes at this time were going to hear what they were going to do, but they did not have any input, and they would not care, that it was too late once they took it to a vote.

Ms. Reed asked why they did not deal with this one section at a time. She suggested that they handle it like they had Reid Hardware and Terry's Pizza. She stated that if they were going to have to buy it, if the developers did not come forward, why didn't they bring in one of those four areas and let the public absorb it in their minds and see what they were going to do. She asked why they brought it all up at once and threw it out there when they did not even know about it, that they did not know if they were going to buy it, that they did not know if they were going to give it to a developer. She stated that, as far as she was concerned, they did not have enough information to consider this at this time.

Ms. Reed stated that she did not know who did all the planning in the City. She stated that someday she would like

to get somewhere where she could find out what was going on. She stated that she had been coming to meetings for 30 years and had yet to know how they came up with all these deals. She stated that she wished they would have a work session and let the public absorb this. She stated that if she were sitting at home at this time, it would be kind of a disaster to hear this going on.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

There was no response.

President Culver stated that the public hearing was closed.

Councilman Showers read and introduced a resolution adopting and approving an Urban Renewal/Redevelopment Plan for Research Park East, which resolution was introduced at the January 28, 2016, Regular Council Meeting, as follows:

(RESOLUTION NO. 16-87)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion of the above resolution.

President Culver recognized Councilman Russell.

Councilman Russell stated that he had some questions for Mr. Davis.

Councilman Russell stated to Mr. Davis that he had mentioned the availability of funding in his presentation and asked where this funding might come from, noting that they had a Capital Plan that was already in place.

Mr. Davis stated that that was a very good question. He stated that in the Capital Plan there was an economic development line item, and that also in Research Park, the funds from the sales of the lots in the Park remained in the Park for reinvestment, so that a large portion of the public improvements would come from Research Park funds, through future land sales, both in the East and the West portions of the Park. He stated that in the areas outside Research Park, along the University Drive corridor, the funds would most likely come through their economic development. He stated that, as he had mentioned, this would be a multi-phase, multi-year type process, that they did not expect this to be resolved in two years, three years, five years. He stated that he would say that at best it would most likely be a 10-year Plan, noting that that would be a very aggressive plan.

Councilman Russell stated that he was aware that Mr. Davis did not know exactly at this time if he was going to propose that the City would purchase some of the vacant land or some of the blighted land, but, however, knowing some of these properties, he fully believed that Mr. Davis would be proposing that the City buy these properties.

Mr. Davis stated that they could very well do so, that

that could wind up being the best approach. He stated that at one time the City owned the Research Park East land, and that they had sold those lots for economic development, and that some of them had outlived their life, that they had been vacant for a long time. He stated that there had been a lot of discussion at the Chamber of Commerce and the Research Park Board concerning if the City should reclaim some of those, put them back to green space, and turn around and put them right back on the market, like they had done 50 years prior.

Mr. Davis stated that this Plan just set a vision and objectives, and that as development came forward or as they fully vetted through the Research Park Board and the Chamber what would be best to happen, they would certainly bring that to the Council, that they would not do any of this without Council action, that they could not do so.

Councilman Russell inquired as to the philosophy of coming into all these blighted areas and the City bailing the landowners out, buying the land. He continued that they were doing it on North Parkway, proposing South Parkway, and now they were proposing Research Park. He asked how he could convince the persons he represented that this was a good idea.

Mr. Davis stated that he believed the best way to answer that, with Councilman Russell's citizens being where they were in the core of the city and the southeastern portion of Hampton Cove, would be that Cummings Research Park was the economic engine of all North Alabama, that without it they would not

need seven Walmarts or fourteen McDonalds. He stated that those things would start to close, and that they were in the neighborhoods that Councilman Russell represented. He continued that they would not need two regional malls, Bridge Street and Parkway Place Mall. He stated that they had to have an economic engine, a \$12.9 billion economic engine annually. He stated that that would affect every district that was represented on the Council.

Councilman Russell asked Mr. Davis why he felt the property became blighted. He asked if they did not have the regulations to keep the property up, or did they not enforce regulations, or if it was just something that happened.

Mr. Davis stated that it was a fine line, noting that Community Development did a really good job. He stated that from the standpoint of what they regulated, to consider a public health hazard, it was not necessarily the same as blighted, that it might not be a public health hazard, but that it was in a condition such that redevelopment around that property was prohibited just due to the condition of it.

Mr. Davis stated that this did not mean it was a Community Development violation, per se, although it could be. He stated that it was just age and dilapidation such that the relocations and redevelopments that had been occurring had just wanted to go to something that was more vibrant, something that their employees wanted to be around. He stated that it was just more the environment. He reiterated that it was a very

fine line, and they would take that with respect and seriousness.

Councilman Russell stated that he agreed with Mr. Davis that Research Park was the economic engine for Huntsville. He continued that he had always thought that perhaps it should be held to a higher standard than the rest of the city and perhaps the City should fund it differently, that the streets should be cleaner and the trees should be trimmed better, things such as that, and perhaps that would keep it from being blighted. He asked if there was any thought concerning that as they went forward, to require tougher restrictions and to put more money into the upkeep of the Park.

Mr. Davis replied in the affirmative. He stated that they were finishing up, in conjunction with the Research Park Board and the Chamber of Commerce, an update to the Master Plan. He continued that he believed Ms. Reed had asked the question if they were going to rezone it, and he stated that he thought that there would be some different zoning. He stated that research parks of today were not what they had designed and developed 50 years prior, that they were not large, massive campuses, that they were more of an urban setting, and they were very dense. He stated that the current zoning in Research Park did not allow this. He stated that he believed as they went forward and finished this Plan, they would see some different zoning and some different standards in Research Park so that it would last another 50 years, and so

that in 10 or 15 years, they could say that it was not a \$12.9 billion economic impact, that it was a \$20 billion economic impact. He stated that without being bold and having the wherewithal to do this, they could sit there and say in five years that it was a \$3 billion impact. He continued that they certainly did not want to be sitting here talking about that.

Councilman Russell stated to Mr. Davis that he was certainly in favor of this and was going to vote for it, but he was concerned about the City land banking land, buying these blighted properties. He stated that this was a concern he had, and that he had expressed it previously. He continued that he could not say it was right, that he could not say it was wrong, but that he just had a concern.

Mr. Davis stated that they would not be purchasing property and land banking. He stated that the only time they would be engaged in doing something such as that would be if they had a specific project plan that they would present to the Council, as an amendment to this Plan, that might include the City's participation in a purchase. He continued that as far as buying properties and prospecting development, they certainly did not have the funds to do that, and they did not feel it was wise to do that.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that in addition to land acquisitions, Mr. Davis had also mentioned infrastructure

improvements, with any roads that would be cut and other infrastructure improvements. She asked if there were any other financial commitments the City would need to make in this Plan.

Mr. Davis stated that it was hard to say. He stated that they would certainly make all these public improvements over time. He stated that as he had mentioned entertainment options, part of their vision through the BIG Picture Plan was to look at a grass lawn area for public performances, somewhere that the community could gather. He stated that in the western portion of their corridor, they had looked for a park for many, many years, and had driven many miles trying to put that in the right location, and that either there was not enough land available or it was too much land to buy at one time because of some condition of the property owner. He continued that they had looked at could they do that at this location, if there was a place to have a west recreational opportunity. He stated that both the BIG Picture and the Cummings Research Park Master Plan had identified a large gap for the western portion of the city. He stated that it had been a high growth area, so they did not have established parks like they had in other parts of the city.

Mr. Davis stated that as to what all these public improvements would be, he believed time would tell. He reiterated that a project specific plan would be brought back to the Council for them to vote up or down, and they might choose to vote for it or say they did not want to put that kind

of vision out there. He stated that they would not bring them something they did not think the community would enjoy or that would not have a return on investment.

Councilwoman Robinson stated to Mr. Davis that given that they were in such an early stage of developing the Plan, she did not know if he could even answer her question, but noted that Councilman Russell had asked about sources of funding and stated that she was wondering how much funding they were going to be looking at. She asked if he even had a ball park idea of what they were looking for.

Mr. Davis stated that they did not. He continued that should the Council adopt this Plan at this time, and let them start the implementation, with the Planning Department and the Engineering Department, they would start some budgeting plans, and do some sketches, some preliminary engineering of the road improvements they had spoken of, and that would start to glean a budget, and that they would start seeing these implemented over time, either in the Cummings Research Park Fund that was for the redevelopment and improvement of those public infrastructures or it would be in the Capital Plan that the Council voted on.

Mr. Davis stated that he wanted to assure the public that the Council was not authorizing anything but to go forward with this vision. He continued that there would be many, many votes to come with this Council to actually implement it.

Councilwoman Robinson stated that Mr. Davis had mentioned

retail saturation and asked if there was such a thing as commercial office space saturation. She stated that she had heard that that might be an issue for Cummings Research Park, particularly given the development of the Gateway complex. She asked if that was a concern at all.

Mr. Davis stated that he was often asked that question. He stated that it was according to what the environment was like. He stated that if they created a progressive environment, noting that Huntsville was known as a progressive city and that they were bold in the actions they took, and that if they created that environment, that surplus of office space would not last. He continued that if they sat and waited for things to come, absolutely, that they could have a major saturation of office space. He stated that it was according to how aggressive they were as a city, noting that he believed they had done a very good job. He stated that there was some office space with vacancies out there, in that a lot of the military personnel had been in leased space off post, and the Arsenal had been able to build new facilities and put them on post, which he noted would protect those commands in future rounds of BRAC, which was a smart move. He continued that they would grow from that, and that they would fill that office space.

Mr. Davis stated that it was going to take a Plan like this that created that next industry or the next corporate office they were trying to recruit, that when they would come

into that Park, it would not look old and tired, it would look like something they wanted to be a part of, that they could recruit that next millennial, that it would be an easy way to recruit employees.

Councilwoman Robinson stated that with 55 economic development projects on the books at this time, that would actually become an advantage to Mr. Davis as he worked with these, to recruit companies to come into the city.

Mr. Davis stated that the people they routinely competed with, such as Austin, Texas and Research Triangle Park in Raleigh, had been bold to do this, and that they had been bold to say they realized there were some blighted conditions, and it was lot of hard work, but it was the most critical investment they had in the community, and they were not going to let it slip away. He stated that was the reason they had brought this to the Council.

President Culver asked if there was any further discussion.

President Culver recognized Councilman Showers.

Councilman Showers stated that he had made the motion, and he supported what they were doing, but he was concerned about the blight that existed in other parts of the city, in residential areas. He reiterated that he was excited about this plan, but he was more concerned about the blight that existed in other parts of the city. He asked when they would get a plan similar to this and they could identify those

blighted areas. He continued that there were areas of the city that had buildings that had been standing empty for 10 or 15 years. He asked if Mr. Davis would weigh in on this.

Mr. Davis stated that he would love to. He stated that, actually, this would be the second urban renewal plan the City of Huntsville had done. He stated that in the early '80s, they had had one for the downtown area, noting that it was mainly for the public housing, setting up those zones and districts, and then trying to focus on some redevelopment.

Mr. Davis stated that they had seen sister cities using this as a tool. He continued that they believed this was a good start, a good area in which they could have some success. He stated that they did believe that with the Council's support, they could bring more urban renewal plans, especially along the Parkway, north and south. He stated that there were 1940 and 1950 era buildings that were dilapidated, boarded up, that no one would rent, that they had had "For Lease" signs on them for five, six, or seven years, and nothing changed year to year. He stated that a plan like this was a way to force that redevelopment to occur, to force that new energetic infusion of cash, of private funds, not City funds, in doing that.

Mr. Davis stated to Councilman Showers that he could see in the future having two or three more of these plans in certain areas of the city. He stated that they wanted to use this as a test case and that, hopefully, later in the year or early in the following year, coming and talking to the Council

about other sections of the city. He stated that they believed this could be a tool for them in the future.

President Culver recognized Mayor Battle.

Mayor Battle stated that one of the things they had to look at in this process was that back in the 1980s when they had sold Research Park East, he was on the Council, and they were all under the impression that there were deed restrictions, and there were codicils, that there were things in there that they felt would keep the Park up to certain standards. He continued that years later, they had found out that a lot of those deed restrictions never made it into the books, or that those that did did not apply at this time. He stated that part of this urban renewal was to look at some of those codicils, some of those deed restrictions, and find out what they actually needed at this time, if they needed more density, less density, an association in Research Park that would help keep the area beautified, or if they needed to look and make sure that as persons purchased land, it was mostly end users purchasing land, or if they wanted investors in that property.

Mayor Battle stated that some of those questions had to be answered, and that some of them could be answered through an urban renewal process. He continued that this would give them the chance to reset this area as they moved forward. He stated that that was one of the reasons for this urban renewal plan at this time, that it would give them a chance to reset

Research Park, and especially Research Park East, which was 50 or 60 years old, and which did have some buildings which were vacant and had been vacant for a long time, and were almost abandoned.

Mayor Battle stated that this was what they had to look at as a city, how they could get these abandoned buildings back into a productive role and do what the City had invested their money in Research Park 50 years prior to do, being to provide jobs and provide a high tech environment and add more to the economy that was provided by Research Park East.

President Culver recognized Councilman Kling.

Councilman Kling asked Mr. Davis if they had done any type of computation on the Enterprise account that Research Park had for its land purchases, to see how far that would go on doing some of these things that he was discussing.

Mr. Davis replied in the affirmative. He stated that they made an investment in Research Park out of those funds very diligently, noting that they had done a lot of paving the prior year and that in the following summer they would do more paving in Research Park. He stated that this would not leave enough funds to fully implement any of this. He continued that they would be very calculated when they did this, that this was why they had created the priority zones. He stated that this was why they had focused outside Research Park first, in the Priority One Zone, noting that it was contributing the most blight, had the highest percentage of crime, and had the most

deterioration of buildings. He stated that if they could get that reset, it would infuse more people who would want to come into the Park, buy those vacant properties, and make a capital investment. He stated that with the purchase of that vacant land, they would just reinvest it in the Park, to create that environment, that streetscape, that they all wanted. He continued that the businesses that were out there were asking for this. He stated that they certainly wanted them to remain in Huntsville, Alabama, and not move to other research parks outside the city.

Mr. Davis stated that this plan set a vision, that it would protect an area in which the City had a tremendous investment, that was supplying jobs for every portion of the city. He stated that 120,000 workers came into the city every day and left. He stated that this was an economic engine of North Alabama and the Tennessee Valley, and they had to protect it. He continued that that was what this Plan would do.

Councilman Kling stated that he liked the idea of the investment and the attention they were giving to this and other central areas of the city because if they did not take care of the central part of the city, there would be a mass exodus. He stated that one concern he had was that they had had a lot of projects they had been talking about lately, and that some of them were economic development, and that they were going to be talking in a couple of weeks about traffic flow, traffic congestion, and, as Councilman Russell had said, they just had

"X" dollars in their Capital Plan, and that they would have to make a pecking order on what their priorities were and how they were going to do it. He stated that perhaps in some ways he might be looking to try to streamline some of these things, but, at the same time, they were definitely on the right track in bringing this to the Council. He stated that he was aware that they had been working on it for a long time, and he believed it was something the Council wanted to see. He reiterated that, however, it was the dollars they had, and the needs they had as far as roads and traffic flow, things that they were doing throughout the city, economic development inducements they were doing in North Huntsville, South Huntsville, the central area, et cetera, and they certainly wanted to make the best use of the money.

Councilman Kling stated that he was going to support this and stated that he believed it was going to be a very interesting, very positive process they were going to be going through on this.

Mr. Davis stated to Councilman Kling that he believed that that was very well said. He stated that he could tell him that Mayor Battle and his Administration intended not to take any funding away that they were putting in any districts' neighborhoods annually for street resurfacing and sidewalk repair and divert it to this Plan. He stated that they would stay committed to the neighborhoods. He reiterated that they would not be diverting funding from the neighborhood

Capital Plans that they were routinely seeing, the drainage accounts, the sidewalks, the resurfacing. He stated that this would be a multi-year plan and would be as funding allowed.

Councilman Kling stated that they were going to grow, they were going to progress, but asked if they were getting to the point where they were growing too fast, too quickly, and the infrastructure, police precincts, fire stations, road flow lanes, these types of things, needed to catch up.

Mr. Davis stated that he did not think so, that he thought they were in good shape. He stated that they were probably 70 percent through the analysis, getting ready for the work session. He stated that he could tell them that he was very happy with what he was seeing. He continued that there were some challenges with some congestion in some areas of the city. He stated that he thought the beauty of it was the "Restore our Roads," that they knew where those were, noting that that was what Mayor Battle had fought for, to get a 50-50 partnership in those investments. He stated that two of those five projects were in construction, and that in the fall a third would come. He stated that, also, they had committed \$25 million a year to roads, and that they were starting to identify those.

Mr. Davis stated that, as far as infrastructure, Mr. Hamilton and the Police Chief were looking at options for a possible West Huntsville Precinct site, and that they had built several fire stations. He stated that he would let them address the field they were experts in, but that from a public

infrastructure standpoint, he believed they were very well positioned. He stated that that was what their Capital Plan had always focused on, continual investment in public infrastructure. He continued that that was the reason they had Polaris and GE Aviation coming in, because they saw that.

Councilman Kling stated that they probably would not even be having this conversation about the dollars and cents if the State had lived up to its previous commitment to them on road projects. He stated that at one point they were talking about 80 cents on the dollar coming back. He continued that Mayor Battle had done yeomen's work in fighting to salvage what he could out of the State. He stated that most likely no city in the entire state put in as much money as Huntsville did in the State-related roads they had.

Mr. Davis stated that they were making great gains at this time, however.

President Culver stated that he wanted to applaud them for being pro-active, noting that when he had first served on the Cummings Research Park Board, they were at a 97 percent occupancy, and that in his last tenure on that Board, they were down into the 80s. He stated that Councilman Russell was serving on that Board at this time. He stated that he was wondering if the decline was attributed to the dilapidated buildings and things of that nature.

Mr. Davis stated that it was certainly the reason for the Plan at this time.

President Culver asked if there was any further discussion of this matter.

There was no response.

President Culver called for the vote on Resolution No. 16-87, and it was unanimously adopted.

President Culver stated that the next item on the agenda was Public Hearings to be Set.

Councilman Russell read and introduced a resolution to set a public hearing on an ordinance amending Article 75, Alcoholic Beverage Establishment Regulations, Section 75.3, Permitted Establishment Districts, by amending Subsection 75.3.1 Neighborhood Business C-1 and Neighborhood Business C-2 Districts, and deleting Subsection 75.3.7, Village Business C-6 District, and amending Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, by amending Subsection 92.5.3(2) and Subsection 92.5.3(28), to update language concerning Village Business C-6 District, at the March 24, 2016, Regular Council Meeting, as follows:

(RESOLUTION NO. 16-88)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of the above resolution.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted.

Councilman Russell read and introduced Ordinance No. 16-89, amending Article 75, Alcoholic Beverage Establishment Regulations, Section 75.3, Permitted Establishment Districts, by amending Subsection 75.3.1 Neighborhood Business C-1 and Neighborhood Business C-2 Districts, and deleting Subsection 75.3.7, Village Business C-6 District, and amending Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, by amending Subsection 92.5.3(2) and Subsection 92.5.3(28), to update language concerning Village Business C-6 District.

Councilman Russell read and introduced a resolution to set a public hearing on an ordinance amending Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, by amending Subsection 92.5.3(2), Subsection 92.5.3(18), Subsection 92.5.3(33), and Subsection 92.5.3(36) to delete certified mailing language, at the March 24, 2016, Regular Council Meeting, as follows:

(RESOLUTION NO. 16-90)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of the above resolution.

President Culver recognized Councilman Kling.

Councilman Kling stated that he was aware this was just setting the public hearing on this ordinance but asked if someone could perhaps offer a brief explanation of it.

President Culver recognized Mr. Jim McGuffey of the Planning Department.

Mr. McGuffey stated that this was an amendment to the ordinance to allow for mailings, to be consistent with the rest of the ordinance, to be regular mailing and not certified mailing. He stated that they did have some certified mailing requirements, but they were going to ask to use regular mail, which he noted was consistent with the Clerk-Treasurer's mailing policy.

President Culver asked if there was any further discussion of this matter.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted.

Councilman Russell read and introduced Ordinance No. 16-91, amending Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, by amending Subsection 92.5.3(2), Subsection 92.5.3(18), Subsection 92.5.3(33), and Subsection 92.5.3(36) to delete certified mailing language.

President Culver stated that the next item on the agenda was Communications from the Public. He stated that as persons'

names were called, they should go to the microphone, state their name and address, and that they would have approximately three minutes to address the Council.

Mr. Adam Morgan, 2876 Duplex Road, Spring Hill, Tennessee, appeared before the Council, stating that he was present at the meeting to ask for the Council's support in voting down Resolution No. 16-069. He continued that he would like to take a moment to explain a brief history concerning this matter and pinpoint the error in the resolution.

Mr. Morgan stated that on January 5, ChemPro Services had bid on a herbicide services contract, which contract entailed chemical maintenance of the City's drainage ditches and sewer outfalls. He stated that after the bids were submitted, his company had requested a bid tabulation. He continued that on January 6, the Procurement Office had sent them the requested bid tabulation, and that they had seen that they were not the low bidder. He continued that after noting the low bidder and knowing the amount of the job, they had gone on line to check and verify that the low bidder was indeed an Alabama general contractor license holder, noting that this was standard procedure for their company. He continued that they had discovered that this company was not the holder of a current license. He stated that between January 6 and January 15, his company had made contact with the Procurement Office and had given them this information, and had also made contact with the Landscape Department, the overseer of the work. He stated that

they had been advised, via phone call, that the low bidder had a pending status for their contractor license.

Mr. Morgan stated that his company had then followed up with the Alabama Board of General Contractors to inquire as to what "pending status" was, and that they were told that pending status was "unlicensed status." He stated that they had emailed the Procurement Office on Friday, January 15, giving written notice that they sincerely believed their interpretation of the law was correct.

Mr. Morgan stated that ChemPro Services had patiently waited to hear back from the City, and that their phone call was eventually returned on the 27th, via voice mail. He stated that the Procurement Office had explained that they had given this information to their Legal Department and stated that this work did not require a contractor's license, and that their boss had said that it only required a license from the Department of Ag. He continued that the bid was to be awarded the following day at the Council meeting. He stated that they had been waiting for 12 days for an answer, and that this appeared to be an attempt to run out the clock, that they felt that they were not being heard. He continued that after that, they felt that the licensure requirement information was incorrect, as well.

Mr. Morgan stated that his company had again reached out to the Alabama Board of State Contractors, on the 28th, for a formal interpretation, and that this had developed into an

investigation. He stated that he had been asked to submit a copy of a bid to the investigator. He continued that the investigator had later called him and advised him that he had spoken with a City official and had told the City that they had to award the work to a license holder. He stated that this report had been filed with the Board and would be adjudicated on February 17. He continued that the low bidder on this would also be fined for bidding on the job without a license.

Mr. Morgan stated that he had then attended the Council meeting on that evening to see if this matter would be brought up. He stated that the only reference to this in the agenda was Item g. under New Business, and that this was unnamed bids that were passed in one motion. He stated that not knowing the protocol or when to object, he had stayed around to speak with the City Attorney, who had suggested that he meet with Finance the next day at 8 a.m., and that he had done so. He stated that at that meeting, he had been instructed by the Attorney, the City Procurement Administrator, and the City Finance Administrator to submit a formal letter contesting the bid award. He stated that he had done so that day, and that the letter had been received, and he had waited to hear.

Mr. Morgan stated that, basically, he had been told to visit the website on this date around noon and see the resolution. He stated that he believed the resolution was inaccurate and that it also harmed his company, which he stated had followed the rules and was the best qualified bidder. He

stated that, therefore, this resolution should not be passed.

Mr. Morgan requested that the City consider awarding to the next lowest bidder, ChemPro Services, to avoid readvertising. He stated that this would protect the competitive ilk and lawful intentions of quality contractors. He asked the Council not to vote in favor of this resolution, noting that if it were passed, it would readvertise, restarting the clock for a company that had violated the law, giving them a second bite at the apple. He asked why the Council would vote to readvertise this bid and inquired as to what good that would do companies such as ChemPro Services.

President Culver stated to Mr. Morgan that since the item he was referring to was on the agenda, under New Business, 15.r, he would hold that item, and the Council would take up his concerns at that particular time.

Ms. Donna Castellano appeared before the Council, stating that she wished to speak regarding the proposal for the Council to appropriate money for the grant process for McThornmor Acres. She stated that Jessica White, the Preservation Consultant for the City of Huntsville, could speak to the logistics of this better than she could and asked if they could make space for her to speak at some point in this meeting, as well.

President Culver stated to Ms. Castellano that Ms. White would be able to address the Council at the end of the meeting.

Ms. Castellano stated that the Council would have a

proposal before it in this meeting to appropriate funding for this matter and stated that she just wanted to assure them that the Historic Huntsville Foundation would also appropriate funds to help with this project. She continued that they planned to contribute \$1,000 toward this project. She stated that after the potential listing of McThornmor Acres went forward, they realized that the Historic Huntsville Foundation and their community partners in this neighborhood had work to do. She continued that building consensus for the National Register nomination for this neighborhood required meetings, discussions, and answering questions. She stated that they were fully committed to this process as they moved forward. She stated that they felt it was very exciting to have the possibility of having the State's first Space-Age Historic District and that they were thrilled that the Council had been such an effective partner for them.

Ms. Castellano stated that she hoped the Council would vote in favor of this item.

President Culver recognized Councilman Kling.

Councilman Kling asked Ms. Castellano if she would briefly explain the difference between a "Historic District" and the "National Register of Historic Places," for the public's benefit, and what it was that they were talking about for McThornmor Acres.

Ms. Castellano stated that she certainly would but noted that Jessica White would do a much better job of this.

Ms. Castellano stated that a listing to the National Register of Historic Places was basically putting property on a list of special historic places, and that it was overseen by the National Parks Service. She continued that it imposed no restrictions or no inhibitions on a private property owner's right to affect their property in any way, shape, or form, that it was honorific in nature and quality. She stated that the Council had previously been discussing infusing investment into an area and stated that they had wonderful examples of how that had been done through National Register nominations, with Lowe Mill, Merrimack, and Lincoln Mill Village. She continued that these neighborhoods had National Register designations. She stated that there were also three neighborhoods in the city that had local status, noting that this would be where they would have guidelines. She continued that, however, they were not proposing that for McThornmor Acres.

President Culver recognized Councilman Russell.

Councilman Russell stated that Ms. White worked for the City, so that it would be very appropriate for her to discuss this matter under 15.cc when they reached this item on the agenda.

Mr. Bryan Walls appeared before the Council, stating that he lived in McThornmor Acres, and that he had a brief statement, following up on the prior speaker's remarks. He stated that he was present with his wife, whom he noted was the coordinator of the Rocket View Neighborhood Association, which

included McThornmor Acres, and that they were near UAH, Research Park, Redstone Arsenal, and, of course, the Marshall Space Flight Center.

Mr. Walls stated that they had several neighbors from McThornmor Acres present at the meeting, as well as having 11 letters from other residents regarding the neighborhood's nomination to become a historic district. He stated that they were present to enthusiastically endorse the City of Huntsville's efforts to list McThornmor Acres to the National Register of Historic Places. He stated that the neighborhoods that had supported the start of America's space program were a precious part of Huntsville's heritage and were worthy of honorable recognition. He stated that they looked forward to working with the Historic Huntsville Foundation and the Huntsville Historic Preservation Commission toward this honor. He thanked the Council for their consideration and support.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, expressing appreciation to the Council for allowing public input. She stated that she was still having a hard time with the old microphones, but she guessed they would live with it.

Ms. Reed stated that she was saddened to have to bring up the Historical Board at this meeting. She continued that, however, Mr. Sam Citrano, whom she had mentioned at several Council meetings, had never been able to get the structure on his property torn down, even though he had begged the

Historical Board to allow him to do this several times. She continued that the City said it wanted to be great, that they wanted to do something for everybody, but no one had listened to Mr. Citrano. She continued that earlier in the day, he had given his property away, that he had received \$55,000 for the lot. She stated that Mr. Citrano was finished with the Historical Board, although she had tried to get him not to be. She stated that Community Development had said he could tear the structure down, but the Historical Board had stood their ground.

Ms. Reed stated that she believed 100 percent of the residents needed to sign in order for an area to get into the Historical areas. She asked that they not ever reach to get her property or any of her family's properties, because she knew what would happen.

Ms. Reed asked if any of the Council members had a real estate license. She continued that they needed to hire a real estate person, noting that perhaps she could qualify for that if they could not find another job application for her, since she was unemployed. She stated that maybe she could help them come up with something better than what she saw was going on.

Ms. Reed stated that they had all stood together on the Research Park matter, and that she had known they were going to vote in favor of that.

Ms. Reed asked if they had paid off the \$15 million debt

to the Sewell family, where they had purchased the approximately 400 acres. She asked if someone could answer that.

Ms. Reed stated that they had gone out and joined hands with Limestone County to develop 700 acres.

Ms. Reed stated that they had been discussing blight and stated that it was throughout the city, that there were empty buildings all over the city. She stated that it concerned her that they kept making deals when there were empty buildings and blight all over the city. She stated that they kept bringing up the traffic problem, but that she did not see any action being taken on it.

Ms. Reed stated that they were now going to develop 453 acres on the Arsenal for the Indians. She asked where they were going to get all this money. She stated that she guessed they could go to the market, that they had a AAA bond rating, and that they were good at borrowing money.

Ms. Reed stated that she would like for the public to know more about Uber, which she noted was on the agenda for this meeting, before they took down the taxi cabs. She stated that they would again be putting small businesses in the city out of business. She stated that they wanted to be like Birmingham and all the big cities. She stated that perhaps Mr. Brown could answer her question concerning where they were going to park the cars and how much it was going to cost. She stated that the news had said that this item would be on the agenda

for this meeting. She stated that if they would hold a work session on this matter and have someone to speak about it, she sure would appreciate it.

President Culver stated to Ms. Reed that they would address her question concerning where the cars would be parked when the item came up later on the agenda.

President Culver asked Mayor Battle if he or someone in Administration could address whether the debt concerning the Sewell property had been paid off.

Mayor Battle stated that the City had never purchased the Sewell property, that it had been under option for the past seven years. He continued that the option was because this was a TVA-certified site, that it was a 1,500-acre site for industrial recruitment, made for mega projects. He stated that TVA sponsored these type projects and wanted to make sure that the City had land capacity. He reiterated that they had options on the Sewell property, but they had never purchased the property, that they did not owe several million dollars on it.

President Culver stated that the next item on the agenda was Huntsville Utilities Items.

Councilman Russell moved to consolidate and approve items 8.a-8.g on the agenda, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion concerning the above motion.

Councilman Kling stated that he would support Councilman Russell's motion but asked if there could be a reading of the items for the record so that the public would understand what actions were being taken.

President Culver stated that he would certainly read them, and that for the purpose of discussion, the Council members could certainly ask any questions concerning them.

Councilman Russell stated that his motion was to consolidate and approve, so that if there were to be any questions or discussions on any items, he would need to withdraw those. He stated that the whole point of the consolidation and approval was to not discuss them.

President Culver called for the vote on the motion for consolidation, and it was unanimously approved.

Councilman Russell read and introduced a resolution authorizing approval to purchase LED lights for Chase Electric Operations Center (PR 10204608) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-92)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing approval to purchase outside professional services for aerial photography (PR 10204917) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-93)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing approval for the installation of fiber optic cable and associated equipment, contract labor, and consulting and engineering services (WBS FIB-NETWORK.BB) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-94)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing approval to purchase two handheld natural gas leak detectors (PR 10204478) (Utilities: Gas), as follows:

(RESOLUTION NO. 16-95)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing approval to purchase a MBW vapor extraction unit and equipment (PR 10205582) (Utilities: Gas), as follows:

(RESOLUTION NO. 16-96)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing approval to purchase ball valves for the South Parkway Water Treatment Plant (PR 10204915) (Utilities: Water), as follows:

(RESOLUTION NO. 16-97)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing approval to purchase a gas chromatograph (PR 10205579) (Utilities: Water), as follows:

(RESOLUTION NO. 16-98)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted.

President Culver stated that the next item on the agenda was Board Appointments to be Voted On.

President Culver stated that there were two items under "Board Appointments to be Voted On" that involved the same appointment, being Agenda Items 9.a.2 and 9.a.3.

Councilman Showers read and introduced a resolution appointing John Powell to the Board of Examination and Appeals for Construction Industries, for a term to expire September 21, 2016, as follows:

(RESOLUTION NO. 16-99)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Russell.

President Culver asked if there was any discussion of the above resolution.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted.

Councilman Showers read and introduced a resolution appointing Carla Clift to the Huntsville Public Library Board, for a term to expire February 10, 2020, as follows:

(RESOLUTION NO. 16-100)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling.

President Culver asked if there was any discussion of the above resolution.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that, as had been noted, there were two nominations for a position on the Library Board. She stated that this was somewhat unusual, but that she believed it was actually a good thing that they had candidates who were both interested and able to serve, and that they had both of these nominations for consideration at this time.

Councilwoman Robinson stated that the Library Board was an important Board because the Library contributed significantly to the quality of life in the community, noting that the

Huntsville Public Library had one of the highest circulations in the state. She stated that it was rare that a vacancy occurred on this Board, but since a vacancy had occurred, this was an important nomination.

Councilwoman Robinson stated that she had actually spoken with the Library Board members to determine what skill set they were looking for and that was needed at this time, and that they had identified a very specific skill set that was needed. She stated that they were about to engage in a Capital Improvement Plan, noting that their facilities were aging and in need of renovation or replacement. She continued that they were looking for a Board member who had a skill set in facilities renovation and construction, and that they were also making a concerted effort to reduce utility costs so they could be better stewards of taxpayer money.

Councilwoman Robinson stated that they currently had no one serving on this Board that filled those skills, and that they had requested a Board member with that specific skill set.

Councilwoman Robinson stated that her question was how the nominee for this Board being considered at this time filled that skill set. She stated that the Council members had been furnished a bio for this person, and that she did not see anything on this bio that suggested that this person had the skills that the Library Board needed. She stated that this was her question of the Council, and that she was hoping there was someone who could answer this.

President Culver recognized Councilman Kling.

Councilman Kling stated that Councilwoman Robinson was correct in that this was a tough choice, noting that there were two outstanding persons who had offered themselves to the community. He continued that they were fortunate to have these type persons, noting that the caliber of persons they had was what made the Boards they had throughout the City work so well.

Councilman Kling stated that the individual who had been nominated, and that he had seconded, had an extensive background in being a librarian, and also in education, and stated that these were things that would certainly be relevant for the Library. He stated that, in addition, he had noticed in her bio that she had received extensive awards and had extensive community involvement.

Councilman Kling stated that he had known Mr. Pippin for at least 25 years, or even prior to that time, and what he had done with economic development was certainly outstanding, and that he would be a good person as far as construction. He reiterated that there were two tough choices to work through, and that they were fortunate to have these persons, but, unfortunately, there was only one vacancy on this Board. He stated that should there ever become a future vacancy, certainly Mr. Pippin would be very high for consideration on this Board, or perhaps any other Boards related to economic development, or, conceivably, even the Huntsville Utilities Board in the future.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson reiterated that it was the direct request of the Library Board to have someone on that Board with a background in facilities and utility costs and stated that no one was better suited for this than the former CEO of Huntsville Utilities, whom she had nominated for this position. She stated that the librarian whose nomination they were considering at this time was not even a librarian who had any experience at all with community libraries, that she was an academic librarian, which was very different. She continued that if one looked at the bio, one would see that her "Experience" did not even list any experience as a volunteer with the Library Association.

Councilwoman Robinson stated that when the Council made an appointment to these Boards, it had an impact on the Boards potentially for years, and that they really needed to be mindful that the City was making contributions to the Library, investing taxpayer dollars, and that when appointing to this Board, they needed to make sure that the Board would make the best use of those dollars. She continued that the right skill set was going to be absolutely critical on this appointment, and that it would be wrong to appoint anyone who did not have the skill set this Board had specifically asked for.

President Culver recognized Councilman Showers, noting that he would then recognize Councilman Kling.

Councilman Showers stated that he was going to call for the question on this item, noting that he did not know what Councilman Kling was going to do.

Councilman Kling reiterated that they had a tough choice to make and stated that the "buck stops here" with the City Council, that they were the ones who made the decision. He stated that they took recommendations from the Board. He stated that the caliber of the educational background that this person would bring to the Board he felt would certainly be very helpful. He stated that, as in the past, Jeff Easter and the Facilities Department had been very much involved in performing the Capital maintenance of the Library, because the Library was basically an extension of the City, that it was a City agency. He stated that he certainly had confidence that Mr. Easter would be able to provide that assistance. He stated that, at the same time, they looked at the community as a whole, noting that this was not within the district he represented. He continued that this was an individual with an educational background being familiar with libraries, and that she was working on getting her doctorate. He stated that this person came from North Huntsville, and that they wanted the Library Board, which he noted got millions of dollars in appropriations from the Council, which he believed to be over \$4 million, to represent the community as a whole.

Councilman Kling stated that the Council had to make tough choices, and they had to make a decision.

President Culver asked if there was any further discussion on the above resolution.

Councilman Russell stated that Councilman Showers had called for the question and asked if President Culver was acknowledging this, and if there was a second.

President Culver asked if there was a second to Councilman Showers' call for the question.

It was seconded by Councilman Kling.

President Culver stated that there was a second by Councilman Kling and asked if they were ready for the question.

Councilman Russell stated that he voted "No."

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson voted "No."

President Culver recognized Councilman Kling.

Councilman Russell stated that the debate would continue, that there would have to be a two-thirds vote for the question to pass, so the question had not passed, and the debate would continue.

President Culver stated that they would continue with the debate. He asked if there was any further discussion.

Councilman Showers stated to Councilman Russell that, No. 1, parliamentary procedure was that when the question was called, it was not debatable, and the presiding officer should move on that motion, to vote up or down.

Councilman Russell stated that there had been no debate, and they had voted.

Councilman Showers stated that at this time, then, it was time to vote.

Councilman Russell stated that the motion for the question had failed.

Councilman Showers stated that that was not correct.

Councilman Russell stated to President Culver that he had to control the meeting.

President Culver stated that he would defer to the City Attorney and Mr. Hamilton. He asked if they could advise on this, noting that he was also under the impression that it would go to the question.

President Culver recognized Councilman Kling.

Councilman Kling stated that perhaps he could simplify this. He continued that it appeared that there was still debate that was wanting to occur and stated that he would certainly support his fellow Council members. He stated that just to clear everything up, they could make it three votes to allow debate and discussion to continue. He stated that he would do that and withdraw his second to the motion on the call for the question.

President Culver thanked Councilman Kling and stated that he would await the ruling from the City Attorney.

Mr. Riley stated that that would alleviate the problem, and they could continue forward.

President Culver stated that he would ask for a roll call on the vote.

Councilwoman Robinson inquired as to what the vote would be on.

President Culver stated that the vote would be on Agenda Item 9.a.2.

Councilwoman Robinson asked if they were not continuing the debate on this item.

President Culver stated that the vote would be on continuing debate.

Councilman Russell stated that the vote would be on the question, which was to end debate. He stated that if one wanted to end the debate, one should vote "Yes," and if one wanted to continue debate, one should vote "No."

President Culver recognized Councilman Showers.

Councilman Showers stated that he was aware the City Attorney was at this time looking into this, as well as Mr. Hamilton, but stated that when a motion was on the floor and the question was called, that ended debate, that it was not debatable, that they must vote at that time. He stated that he was not taking away from what anyone else wanted to say or do, but if they were going to do right on one item, they should do right on all of them. He stated that they had had the "call for the question" for the prior 28 years, and they had never debated the question. He stated that parliamentary procedure would say that any time a motion was called, it was not debatable, that they voted. He stated that it was a motion to stop debate.

President Culver stated to Councilman Showers that that motion would require a two-thirds vote, so they were back to the question to end the debate.

President Culver called for a roll call vote, and the following vote occurred:

AYES: Showers, Culver

NAYS: Russell, Robinson, Kling

President Culver stated that the debate would continue.

President Culver asked if there was any further discussion of this matter.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that Councilman Kling had noted that the nominee was from North Huntsville and that for full representation of the city, he felt it was necessary to have this person on the Library Board. She continued that Councilman Showers had previously nominated a person from North Huntsville for this Board, who had been appointed at the prior Council meeting, so that that representation was fair. She stated that, however, South Huntsville had not had a representative on the Library Board in more than 15 years, so that if they were truly looking at fairness and representation from all over the city, that, again, would speak in favor of Mr. Pippin, who was from South Huntsville.

President Culver recognized Councilman Showers.

Councilman Showers stated that, again, they were raising an issue at this time because of one's preference. He stated

that if persons would look at all the Boards and Authorities that were on the books at this time, there were many appointees all across the city who were from the same district. He stated that this was the first time this had been raised because a certain person wanted to serve.

Councilwoman Robinson stated that she had simply been responding to Councilman Kling's comment.

President Culver asked if there was any further discussion of this matter.

President Culver recognized Councilman Russell.

Councilman Russell stated that he would not speak against Ms. Clift, that he did not know her personally, and he had received her bio approximately 30 minutes prior to this meeting, and that she certainly was qualified. He continued that he was aware that the Library was attempting to raise money and build new libraries, so that he knew the skill set of the Board member they would like to have, and that he agreed with Councilwoman Robinson's point of view.

President Culver asked if there was any further discussion of this matter.

There was no response.

President Culver stated that he agreed with everything that had been said, because they had two well-qualified people who were interested in serving. He stated that, if he could digress for a moment, he would say that when he had been Chief Magistrate with the Court and his job had been to hire

magistrates, they would start out with 50 applicants, narrow it down to ten, three, and then they would get to the point where they had two. He continued that either one of them could have done an outstanding job, but that they only had one position. He stated that he found himself in this situation at this time, and that he would not try to assassinate anyone's character, noting that Mr. Pippin and Ms. Clift were both impeccable people and that he had known both of them for a number of years. He stated that the question was who would they decide on.

President Culver called for a roll call vote on Resolution No. 16-100, and the following vote resulted:

AYES: Kling, Showers, Culver

NAYS: Russell, Robinson

President Culver stated that the resolution had passed.

President Culver stated that the next item on the agenda was Board Appointment Nominations.

Councilman Russell called for a point of order. He stated that the Council needed to do something with Item 9.a.3 on the agenda, being the resolution to appoint Bill Pippin to the Huntsville Library Board.

Councilwoman Robinson withdrew item 9.a.3 from the agenda.

President Culver stated that the next item on the agenda was Board Appointment Nominations.

Councilwoman Robinson nominated Emily Donaldson for appointment to the Educational Building Authority of the City

of Huntsville-Westminster, for a term to expire November 9, 2021.

President Culver asked if there were any further nominations.

There was no response.

President Culver stated that the next item on the agenda was Approval of Expenditures.

Councilman Showers read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 16-101)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

President Culver inquired of Councilman Showers if there was a Finance Committee report.

Councilman Showers read and introduced a resolution approving travel for Councilwoman Jennie Robinson to attend the Chamber of Commerce of Huntsville/Madison County 2016 Annual Washington, D.C., trip, April 17-19, 2016, as follows:

(RESOLUTION NO. 16-102)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Culver and was unanimously adopted.

President Culver recognized Councilman Showers.

Councilman Showers asked Ms. Margaret Sargent, Director of Finance, to present a brief financial report at this time,

concerning the budget status and anything further on which she might wish to comment.

Ms. Sargent stated that they had the year-to-date sales tax numbers in, and they were approximately 5 percent year-to-date over the prior year, but asked that they keep in mind that this included Christmas sales, and that they would have to get through the remainder of the year, which was historically a slower time. She stated that they would also need to cover the somewhat softer property tax.

Ms. Sargent stated that Councilman Showers had asked for some housing numbers. She stated that they had approximately 2,000 houses on the market at this time, and that just above 600 of these were new-build. She continued that the average house price had gone up approximately \$6,000 in 2015 versus 2014.

Ms. Sargent stated that there was now an Assistant Director of Finance, Rachel Biggs, noting that she had started the previous week and they were getting her up to speed to assist with transition for projected retirements.

President Culver recognized Councilman Kling.

Councilman Kling stated to Ms. Sargent that, as he understood it, she had stated that at this time they were approximately 5 percent over the prior year.

Ms. Sargent stated that that was correct.

Councilman Kling inquired as to where they were compared to the budget. He asked if it was correct that the budget had

been based on a small increase over the prior year.

Ms. Sargent stated that they had projected a 3 percent increase over the prior year, so that at this time they were approximately 2 percent over that.

President Culver stated that the next item on the agenda was Communications from the Mayor. He recognized Mayor Battle.

Mayor Battle stated that he did not have anything at this time.

President Culver stated that the next item on the agenda was Communications from Council Members.

President Culver recognized Councilman Showers.

Councilman Showers stated that he had had a busy week, noting that he had attended the J.O. Johnson High School Concerned Citizens meeting, and then the next evening had attended a meeting of citizens who lived on the north side of Sparkman Drive, from Blue Spring Road to Pulaski Pike. He continued that there had been a good turnout of citizens who had come to the Beracah meeting, noting that the City had made presentations, giving everyone in attendance the opportunity to comment on what they would like to see once the Beracah Building was vacated. He stated that they had had a good response at the meeting.

Councilman Showers stated that on this date, prior to the meeting, he had gone by a "Rock the Vote" reception for candidates who were running for state, local district, and municipal offices. He stated that he had also attended a

ground-breaking on Blue Spring Road for the Lenox senior housing development, which he noted would provide more affordable housing for senior citizens.

Councilman Showers stated that he would like to remind persons that on February 17, there would be the Mayor's Leadership Development Seminar.

President Culver recognized Councilman Russell.

Councilman Russell stated that he was certainly glad the Johnson-Lee game had been after the prior Council meeting, that he had enjoyed attending it, and that Councilwoman Robinson and Councilman Showers had also attended. He stated that it was a wonderful game, and that he believed there had been 5,500 tickets sold.

Councilman Russell stated that the City was holding a basketball tournament at this time at Optimist Park, for kids 12 and under, with three or four different leagues, boys and girls. He stated that this had been a great event, noting that he had attended the previous evening. He stated that the City did a wonderful job running this tournament, and that all the children, the coaches, and the parents had been having a great time.

Councilman Russell stated he would like to thank Ms. Marydae Sneed and the Blount Hospitality House for hosting the Mardi Gras Parade the prior Saturday. He stated that this had been a wonderful event, noting that Mayor Battle had led off the parade. He stated that this was a lot of fun, and he

hoped they could continue this tradition, and persons would support it the following year.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had had the opportunity over the prior couple of weeks to speak at St. Thomas Episcopal's Lunch and Learn Series, at the Latham Methodist Men's Breakfast, and at the Chaffee Neighborhood Association. She stated that there had been a lot of interest at all these meetings concerning South Parkway construction. She stated that they had had a lot of good conversation about this, and that she had been very pleased to be able to share with them a document that had been prepared by the South Huntsville Business Association to help everyone better understand the Parkway construction. She stated that anyone who would like to have an electronic copy of this could email her office, and it would be provided to them.

Councilwoman Robinson stated that she had held a Town Hall meeting on February 1, and that there had been standing room only, with approximately 100 persons in attendance. She stated that Kathy Martin, City Engineer, and representatives from ALDOT, including Les Hopson and others, had been present to provide persons an update and let them view their plans for the South Parkway construction. She stated that they had also made the South Huntsville Business Association White Paper on the construction available. She stated that this had been a very informative and positive meeting. She continued that

Mayor Battle had also been present to share his perspective and his experience, having been a business owner who had endured overpass construction. She stated that they were doing as much as they could to get as much information out as possible.

Councilwoman Robinson stated that the next meeting of the South Huntsville Business Association, on March 8, would again feature an update on the construction by a representative from ALDOT, and that they would continue to take input from persons concerning the construction. She stated that persons were commenting to her on how quickly this construction was progressing, noting that it was amazing what an incentive contract would do to get persons moving. She stated that persons were impressed with the progress that had been made and were really excited that in 3 ½ years they would see the Martin Road Bridge re-engineered and two new bridges constructed. She stated that this would make a tremendous difference in traffic flow on South Parkway, and that she was looking forward to seeing the project completed.

Councilwoman Robinson stated that at the South Huntsville Business Association meeting on March 8, that in addition to the overpass update, they would have representatives from the Chamber to provide a report on a market study on the South Parkway corridor.

Councilwoman Robinson stated that they were doing the best they could to support the businesses on South Parkway during construction. She stated that the Mayor had said at her

Town Hall meeting that he was "eating his way" up and down South Parkway to support those businesses, and that she had taken up that challenge and had had lunch at Main Street Cafe during the week. She stated that there were a lot of great businesses they could make a concerted effort to patronize during this time and suggested that everyone consider this.

Councilwoman Robinson stated that she would like to thank some Scouts who had visited her at City Hall on the prior day. She stated that Jozef and Regan Sobzcak and Brandon Young had visited her in order to complete their requirements for Citizenship in the Community, and that they had discussed their responsibility as citizens. She stated that it was very refreshing to have them come and visit with her and be able to see their enthusiasm and their desire to learn about what was being done in local government.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had been somewhat incapacitated after having undergone eye surgery recently, but he was attempting to handle matters as best he could, via emails and phone calls.

Councilman Kling stated that he had been able to participate with Mayor Battle and Shane Davis in a meeting with the Fleming/Westbury Civic Association past president and the current de facto president of the Midtown Neighborhood Association, discussing access to the entrance to John Hunt Park, landscaping along the Parkway, and citizens' involvement

in some of the planning processes they had. He stated that this had been a very positive meeting, and he believed it said something good that they were able to meet with these neighborhood representatives who had concerns.

Councilman Kling stated that on the following Monday evening, he would not be holding a town meeting, due to the Library being closed, but that they would resume this meeting in the following month.

Councilman Kling stated that he planned to attend the Rocket View Neighborhood meeting on the following evening, noting that he was looking forward to hearing good discussion concerning the proposed listing on the National Register of Historic Places. He stated that with this, a person could still paint their house whatever color they would like to paint it and they could landscape their yard however they wanted to, that this was different from a Historic District. He stated that he felt this would be a great recognition for a very deserving neighborhood.

President Culver stated to Councilwoman Robinson that she had had a very informative Town Hall meeting, as usual, and that he had certainly gathered a lot of good information that Ms. Martin and ALDOT had presented.

President Culver stated that he had had a tour of the Richard Showers Center renovation and stated to Councilman Showers that he knew he must be extremely elated with what was happening at that facility.

President Culver stated that there would be a 10-minute recess at this time.

(Recess.)

President Culver reconvened the meeting.

President Culver stated that the next item on the agenda was New Business Items for Introduction.

President Culver stated that the Administration had requested unanimous consent for immediate consideration of the two ordinances listed under this agenda item.

President Culver read and introduced an ordinance amending Chapter 8, Article IV, Vehicles for Hire, of the Code of Ordinances of the City of Huntsville, Alabama, as follows:

(RESOLUTION NO. 16-103)

President Culver moved that unanimous consent be given for the immediate consideration of and action on said ordinance, which motion was duly seconded by Councilman Showers, and upon said motion being put to vote, the following vote resulted:

AYES: Russell, Robinson, Kling, Showers, Culver

NAYS: None

President Culver stated that the motion for unanimous consent for immediate consideration of and action on said ordinance had been unanimously carried.

President Culver thereupon moved that said ordinance be finally adopted, which motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of the

above ordinance.

President Culver recognized Councilman Russell.

Councilman Russell asked Mr. Tommy Brown, Director of Parking and Public Transit, why the Council was considering this matter again. He continued that this was the third time this had been before the Council, and that each time Mr. Brown had promised him that it would be the last one. He asked if this would be the last one.

Mr. Brown stated that he certainly hoped so, and that he believed it would be.

Mr. Brown stated that the Council members would recall that transportation network vehicle companies were authorized approximately six months prior in the redo of the Vehicles for Hire Ordinance.

Mr. Brown stated that the ordinance before the Council at this time would additionally refine the requirements and that it would also create Division 3 of the Vehicles For Hire Ordinance that would separate those things out. He continued that this would require any TNC that wanted to do business in Huntsville to provide a \$2,000 annual business license, and that it would also require annual background checks and vehicle inspections from the companies. He continued that these could be audited by the City of Huntsville, as well. He continued that it would require \$1 million of liability insurance from the time a passenger engages the TNC vehicle until the passenger leaves the vehicle. He stated that when persons

signed on the app and requested the vehicle, the \$1 million insurance would go into play, and when they left the vehicle, the \$1 million liability coverage would be removed.

Mr. Brown stated that the proposed ordinance would allow them to aggressively enforce the TNC ordinance on the street, that it made refinements that would allow the Police Department and his department inspectors to summon these vehicles to inspect them, look at inspection sheets, and to look at drivers' waybills, which would have the driver's information, photo, et cetera.

Mr. Brown stated that, finally, the TNCs would be required to certify annually each of their drivers, that they had had their drivers' backgrounds checked, which he noted was an extensive check. He continued that they would also have to certify that all the vehicles that were operating under their TNC had been inspected in that year.

Mr. Brown stated that his department felt that this was a good ordinance and that it made some refinements that he believed would benefit the public.

Councilman Russell stated to Mr. Brown that he appreciated his work on this, noting that he was aware he had worked very hard on it. He asked if a ride-share company wanted to operate in Huntsville, when they could do so, assuming this ordinance was passed at this time.

Mr. Brown stated that they would have to submit for a Certificate of Need and Necessity from the Council, just like

any other vehicle for hire would do. He stated that this would come to the Council, and the Council could consider it and approve it, and then the following day, essentially, a company could apply for their business license and be in business. He stated that this was not an immediate thing, that it would still require the Council to approve the certificate.

Mr. Brown stated that Mr. Hamilton had worked very closely with him on this and he might have some comments concerning it.

Mr. Hamilton stated that Councilman Russell had asked a good question, noting that it was unusual that one of the departments would bring the Council a series of amendments to the same ordinance in fairly short order. He continued that this certainly was not the intent for the way they would conduct business.

Mr. Hamilton stated that one thing that he felt was important to recognize was that the Vehicle for Hire industry was one of the most heavily regulated industries, by terms of local government, as well as having regulations from the State and Federal level. He stated that it was heavily regulated, not just in Huntsville but in every city in America. He stated that it was also one that they were now seeing being significantly impacted through the development and evolution of information technology systems, hardware, software, et cetera. He stated that this had been the case for a lot of industries, and it was really starting to catch up in this particular industry. He stated that they had spent the last year-plus on

this matter, and that Mr. Brown and Claudia Anderson in the Legal Department, in particular, had put an enormous number of man-hours into studying the issues that were created by the evolution of technology. He continued that they had looked at the regulatory framework they had had in place for decades in some cases, and also how this compared to how other cities were evolving, and many times collecting lessons learned from other cities that had chosen to go ahead of them in some of these changes.

Mr. Hamilton stated that in March of the prior year, the Council had passed an amendment that had actually added multiple categories, to include the TNCs, noting that this was only one of the categories the Council had added at that time. He continued that they had changed some of the local regulatory framework, to mainly focus on lowering the barriers to entry for business to come in and be able to serve the citizens.

Mr. Hamilton stated that in June of the prior year, the Council had considered another amendment to the ordinance, which further refined the regulations. He stated that where most of the discussion had been around the category of TNCs, in fact, those amendments had made some fairly significant changes for the other categories of vehicles for hire, including limousines, luxury cars, taxis, et cetera, to include about nine different categories that were all in some way or another affected by those amendments. He stated that, ultimately, this was intended to make their operations in the city more

efficient and more effective, and to provide a broader range of opportunities for the citizens to have more choices.

Mr. Hamilton stated that they had spent time talking to companies that operated in this particular industry, working very hard to learn lessons from how they functioned, and making sure, to the extent they possibly could, to maintain a level playing field, but also at the same time acknowledging the differences in the way they functioned, as well as the differences in the client base they were each attempting to pursue.

Mr. Hamilton stated that he agreed with Mr. Brown, that this was a strong ordinance, but that this did not mean they would not continue to learn, that they needed to be diligent and continue to learn, and that if there were more things that they would see impacted by changes in the industry, they owed it to the citizens to bring those changes to the Council.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had had a number of persons contact her who were very eager to see this service come into the city. She continued that she was aware that any TNC who wanted to do business in the city would have to come before the Council for approval. She asked Mr. Brown how soon he believed this would happen. She asked if persons were expressing an interest in coming in at this time.

Mr. Brown stated that they had had interest on the part of at least one company, and that he believed a second company was

interested, as well. He stated that the business decision had to be made, that persons would evaluate the market and what they felt they could do. He stated that they were revising the paperwork for the Certificate of Need and Necessity and should have that done on the following day, or certainly by the first of the following week, and could provide it to any company that would like to apply. He stated that at that point, a company would be authorized to come and apply for the CON and come before the Council.

Councilwoman Robinson asked if it was correct that the Council should see something on this within a couple of months, as to a company to potentially operate in the city.

Mr. Brown stated that he would certainly hope so.

President Culver recognized Councilman Showers.

Councilman Showers asked Mr. Brown if they had developed a cost, or penalty, for these laws being broken once they were put in place.

Mr. Brown stated that the TNC Ordinance, as well as the overriding Vehicles for Hire Ordinance, had the rules, the requirements, the regulations, and had penalties associated with infractions of these rules. He stated that the penalties could be to the driver and could also be to the transportation network company, to the extent of the Council considering their license if it were to come to that.

Mr. Brown stated that there were requirements in place and there were penalties for violations of these requirements.

President Culver asked if there was any further discussion of the above ordinance.

President Culver recognized Mayor Battle.

Mayor Battle stated that this would take the city's transportation system and the Vehicles for Hire system into the 21st Century. He stated that the technology that was presented here matched the technology that was found in Huntsville on a day-to-day basis. He stated that this was something that citizens had asked for, that it was something that he believed was what the future was in the transportation industry. He stated that they were finding that many people would change and follow this lead. He continued that he believed many of the city's present taxicab companies would follow this lead, that as they saw the success of this system, their systems would get better and better.

Mayor Battle stated that this would make the whole transportation system better for the entire city of Huntsville. He asked that the Council concur with this at this time.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 16-103, and it was unanimously adopted.

President Culver stated that the Administration had also requested unanimous consent for the next item on the agenda.

President Culver read and introduced an ordinance amending

Section 15-85(80) of the Code of Ordinances of the City of Huntsville, Alabama, as follows:

(RESOLUTION NO. 16-104)

President Culver moved that unanimous consent be given for the immediate consideration of and action on said ordinance, which motion was duly seconded by Councilman Showers, and upon said motion being put to vote, the following vote resulted:

AYES: Russell, Robinson, Kling, Showers, Culver

NAYS: None

President Culver stated that the motion for unanimous consent for immediate consideration of and action on said ordinance had been unanimously carried.

President Culver thereupon moved that said ordinance be finally adopted, which motion was duly seconded by Councilman Kling.

President Culver recognized Councilman Kling.

Councilman Kling asked if they could have the Clerk-Treasurer give a brief overview on this ordinance, for the public's benefit.

Mr. Hamilton stated that the reason they were asking the Council to also consider this ordinance was that it went along with the ordinance the Council had just passed. He stated that this was the Clerk-Treasurer's ordinance that established the fee structure associated with the Vehicles for Hire Ordinance.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on the above ordinance, and it was unanimously adopted.

President Culver stated that the next item on the agenda was New Business Items for Consideration or Action.

Councilman Russell read and introduced a resolution authorizing a Special Employee Agreement between the City of Huntsville and Jessica Lauren White, Historic Preservation Consultant, as follows:

(RESOLUTION NO. 16-105)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to accept \$200,000 of FY 2015 State of Alabama Emergency Solutions Grant (ESG) funds and assume the responsibility for the total amount of local matching funds, as follows:

(RESOLUTION NO. 16-106)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced an ordinance amending Budget Ordinance No. 15-642 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 16-107)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced an ordinance amending Budget Ordinance No. 15-642 by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 16-108)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 16-109)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution approving travel expenditures, as follows:

(RESOLUTION NO. 16-110)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the Agreement between the City of Huntsville and Tyler

Technologies, Inc., as adopted by Resolution No. 14-479 on June 26, 2014, and Resolution No. 15-164 on March 12, 2015, as follows:

(RESOLUTION NO. 16-111)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Lease Agreement between the City of Huntsville and Alabama Constitution Village Foundation, as follows:

(RESOLUTION NO. 16-112)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and British Soccer, as follows:

(RESOLUTION NO. 16-113)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 10 to the agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C., for Utility Easement

Acquisition for Church Street and Pratt Avenue Widening and Realignment, Phase I, State Project No. STPHV-4500 (200) and City Project No. 65-01-RD05, as follows:

(RESOLUTION NO. 16-114)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Dewey Lynn Majors, as follows:

(RESOLUTION NO. 16-115)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the Alabama Department of Transportation for the cooperative maintenance of public right-of-way, as follows:

(RESOLUTION NO. 16-116)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced an ordinance declaring certain equipment surplus and to be sold at public

auction, as follows:

(ORDINANCE NO. 16-117)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Cathy Brown, as follows:

(RESOLUTION NO. 16-118)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and Community Action Partnership of Huntsville/Madison & Limestone Counties, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 16-119)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and Family Services Center, Inc., for services to the homeless population, as

follows:

(RESOLUTION NO. 16-120)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and New Futures, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 16-121)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and Riah Rose Home for Children, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 16-122)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and The North Alabama Coalition for the Homeless, Inc., (NACH), for services to the

homeless population, as follows:

(RESOLUTION NO. 16-123)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville, Alabama, and the Alabama Non-Violent Offenders Organization (ANVOO), Inc., for 2015 Community Development Block Grant (CDBG) Public Services funds for their Non-Violent Offenders Re-entry Program, as follows:

(RESOLUTION NO. 16-124)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville, Alabama and the Boys & Girls Clubs of North Alabama, Inc., for 2015 CDBG Public Services funds in order to serve youth, as follows:

(RESOLUTION NO. 16-125)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the

City of Huntsville and the Harris Home for Children, Inc., for 2015 Community Development Block Grant (CDBG) Public Services funds for their Basic/Crisis Program, as follows:

(RESOLUTION NO. 16-126)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the Village of Promise, Inc., for 2015 Community Development Block Grant (CDBG) Public Services funds for educational programs, as follows:

(RESOLUTION NO. 16-127)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and CASA, Inc., Care Assurance System for the Aging and Homebound, for 2015 Community Development Block Grant (CDBG) funds for housing weatherization, as follows:

(RESOLUTION NO. 16-128)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Showers read and introduced a resolution

authorizing the Mayor to enter into an Independent Audit Agreement by and between the City of Huntsville and Beason & Nalley, Inc., Certified Public Accountants, as follows:

(RESOLUTION NO. 16-129)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver recognized Councilman Russell.

Councilman Russell stated that he would like to have Ms. Sargent come to the microphone.

Councilman Russell stated to Ms. Sargent that he believed the City had used Beason & Nalley ever since he had been on the Council, and that they were a great company and had done wonderful work. He asked Ms. Sargent if she believed it was wise to continue to use the same auditor, or if perhaps the City should have a new set of eyes on its books.

Ms. Sargent stated that it was actually a standard practice to retain the same auditor on a repetitive basis, unless the City had received a failed audit report from their oversight organization. She stated that Beason & Nalley had had their peer review in 2014 and had received a Pass. She continued that they were audited by the AICPA, and it was a peer review, because they were a mid-tier auditing firm. She continued that they were still passing.

Councilman Russell inquired as to whether they always had

the same personnel from Beason & Nalley, if they were changed up, or how this worked.

Ms. Sargent stated that they did not change it up, that the audit agency would. She stated that they did not always get the same team because public accounting was a stressful job, so that persons would leave, and there would be new personnel. She continued that, however, the senior member and the partner were usually retained.

Councilman Russell asked Ms. Sargent if she felt comfortable using the same firm they had always used, for all these years, since she was a new person doing the job.

Ms. Sargent replied in the affirmative. She stated that the City had knowledge of its own workings, and if Beason & Nalley raised a question that it was unsure about, it would push back, and that this was how an audit should work, with some give and take and dialogue.

Councilman Russell stated to Ms. Sargent that he was aware that she had extensive experience in the private sector and asked if this was what a company she had worked for would have done, or they would have used the same logic.

Ms. Sargent replied in the affirmative.

President Culver asked if there was any further discussion on the above resolution.

There was no response.

President Culver called for the vote on Resolution No. 16-129, and it was unanimously adopted.

Councilman Kling read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Midsouth Paving Inc., for Bob Wallace Widening and Merchants Walk Improvements, Project No. 65-14-DR04, as follows:

(RESOLUTION NO. 16-130)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion of this resolution.

Ms. Kathy Martin, Director of Engineering, stated that this was a final adjusting change order with Midsouth Paving for Bob Wallace widening and Merchants Walk improvements. She stated that this was a change order increase in the amount of \$31,270.31 and that it was to match field conditions during construction.

President Culver asked if there was any further discussion on the above resolution.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked if it was correct that this was an issue of field conditions and was not an ADA-compliance issue. She continued that she was aware they had been struggling with ADA projects and asked if it was correct that this was not one of those.

Ms. Martin replied in the affirmative.

President Culver asked if there was any further discussion.

There was no response.

President Culver called for the vote on Resolution No. 16-130, and it was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Parking License Agreement between the City of Huntsville and Zipcar, Inc., as follows:

(RESOLUTION NO. 16-131)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver recognized Mr. Tommy Brown, Director of Parking and Public Transit.

Mr. Brown stated that this resolution, if approved, would authorize the City to lease spaces to Zipcar. He continued that Zipcar was a car-sharing service. He stated that the spaces would be located on Washington Street, in front of the Municipal Building, and on Dorothy Ford Lane. He stated that this was Zipcar's initial endeavor in Huntsville and that his understanding was if this were successful, they would expand to other areas of the city. He stated that this would certainly add an additional piece to the transportation puzzle that was important, just like taxicabs, TNCs, and transit. He stated that this would be another piece of the puzzle that would be a service for citizens.

President Culver asked if there was any further discussion.

President Culver recognized Councilman Kling.

Councilman Kling asked if this was a car rental agency, or what.

Mr. Brown stated that it was a car-sharing agency. He stated that he did not know if it would be appropriate at this time, but that Zipcar did have a representative present at the meeting that could address any questions if the Council would so desire.

Councilman Kling asked President Culver if, in order to get this information out to the public, they could have this person provide a brief explanation.

Mr. Vिलाire Lazard, General Manager of Zipcar, appeared before the Council. He stated that this was a car-sharing service, that their motto was "Vehicles When You Want Them." He continued that they provided their members with access to vehicles, small-sized cars, big-sized cars, minivans, SUVs, et cetera, and that they provided these vehicles in cities, on campuses, and all across the globe. He stated that a person could sign up on line, and that once they became a member, they would be sent a Zipcard, and that Zipcard would give them access to all their vehicles, all across the globe. He stated that one could rent vehicles by the hour or by the day, and that gas and insurance were included.

President Culver asked if there was any further discussion

of the above resolution.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that as she understood the agreement, the City would actually be leasing Zipcar parking spaces, for \$56 per month.

Mr. Lazard stated that that was correct.

Councilwoman Robinson asked Mr. Lazard if he would explain how this worked.

Mr. Lazard stated that Zipcar parked the vehicles in these assigned parking spaces, and when members needed a vehicle, they would log in on line or open the app on their phone, and they could see where the nearest Zipcar vehicle was, and they would go ahead and book the reservation, and then go to that vehicle and access it with their Zipcard.

President Culver recognized Mayor Battle.

Mayor Battle stated that this system worked very well in urban environments, especially in downtown areas. He stated that Councilman Russell could walk to the Municipal Building to work, and if he had to go to a meeting out at Research Park, he could get in a Zipcar and take it out to Research Park and then bring it back.

President Culver asked if there was any further discussion of the above resolution.

There was no response.

President Culver stated to Mr. Brown that Ms. Reed had inquired about the streets for parking spaces, and he had heard

that one was Washington Street. He asked at what other locations these cars would be parked.

Mr. Brown stated that they would be working with the Zipcar representatives to locate the exact spaces, but that it would be somewhere on Washington Street, that near Belk Hudson Lofts was a place they were desirous of; and in front of the Municipal Building, in the hub of the activity; and then on Dorothy Ford Lane at Twickenham Square, that apartment complex, noting that there was a lot of activity in that area. He stated that, of course, if it were successful, it would expand out from those locations. He stated that this would not involve the City's participation because they would not be using their spaces, but that hopefully they would expand from there.

President Culver asked if there was any further discussion.

President Culver recognized Mr. Hamilton.

Mr. Hamilton stated that as the Administration engaged with a number of its partner agencies around the city, in economic development and general growth of the city, one often heard discussion about partnership with the Chamber. He stated that in this particular case, their partnership with Downtown Huntsville, Inc., was instrumental, that, in fact, Chad Emerson had made the connection between the City and Zipcar, and that they were happy to have them in the city.

Mr. Hamilton stated that several years prior, he had lived

in northern Virginia, where Zipcar had been for some period of time. He stated that as the Mayor had said, they were seen very commonly in dense urban areas and places where traffic was a significant issue. He continued that as they were now seeing Zipcar grow across the country, they were coming into smaller cities. He stated that he believed having Zipcar in the city was at the cutting edge, noting that there were not a lot of cities the size of Huntsville that had Zipcar.

Mr. Hamilton stated that having Zipcar actually gave families the choice to own only one car, and that when occasionally they needed a second car for a day, Zipcar would be a solution. He stated that it worked very effectively for persons who had those kinds of needs. He continued that perhaps one's car would be broken down for a day, and one would need to rent a car. He stated that this was not a taxi service, that it was a very different kind of service, that it was much more analogous to a rental car than a taxi-type service because persons would be driving themselves. He stated that they believed this would really make a difference in transportation options in the city.

President Culver asked if there was any further discussion.

There was no response.

President Culver called for the vote on Resolution No. 16-131, and it was unanimously adopted.

Councilman Russell read and introduced a resolution

withdrawing and rescinding the acceptance of the low bid by DeAngelo Brothers, LLC, for Herbicide Services for Drainage Ditches and Sewer Outfalls, as adopted by the Huntsville City Council on January 28, 2016, pursuant to Resolution No. 16-069, as follows:

(RESOLUTION NO. 16-132)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion concerning the above resolution.

Councilman Russell stated that this was an unfortunate situation, noting that Mr. Morgan had spoken concerning this matter during Communications from the Public. He stated that Mr. Morgan had eloquently stated his case, and that he sympathized with him, and that as someone who had done Federal contracting, he certainly understood his predicament. He stated that, however, the Legal Department had to be involved in this matter, and things had to be done properly. He stated that, as Mr. Morgan had said, at the prior Council meeting, the Council had accepted low bids on a number of procurement items, but that on one low bidder, the RFP had not been correct, and that low bidder ended up being omitted from the competition, and that now they were going to rebid this. He stated that he believed this was where the problem arose, and that he would turn this over to Mr. Hamilton to state all

the reasons for this.

President Culver stated to Mr. Hamilton that as he addressed this, Mr. Morgan had some concerns. He stated that he wanted to know if the resolution was accurate, and why the Council could not consider awarding the contract to the next lowest bidder, and why the City would want to rebid this.

Mr. Hamilton stated that this was certainly an action that they would never want to have to bring before the Council, but that it was necessary for them to correct an error that had occurred in the RFP process, culminating with them bringing to the Council a bid for acceptance at the prior Council meeting. He continued that the RFP did not include a licensing requirement which they subsequently learned was required. He stated that, in fact, the gentleman who had spoken about this earlier in the meeting had brought this concern to them, and the staff had researched it and had agreed that he was correct. He continued that they had engaged with the appropriate Boards with the State to confirm that this particular work did require a general contractor's license, which he noted had been excluded from the RFP as a requirement. He stated that this error had to be corrected.

Mr. Hamilton stated that the firm that had submitted the low bid, and was responsive to the RFP, was responsive to what they had now determined to be a mistake in the RFP. He continued that this had to be rescinded, that they knew that this absolutely had to occur.

Mr. Hamilton stated that they would continue to engage with Mr. Morgan on what would need to happen in terms of a rebid. He stated that the Legal Department had looked at this, and that the initial opinion they had brought to the Mayor, and that they were now presenting to the Council, was that it would have to be rebid. He stated that, however, their intent was to not immediately execute this rebid but to have the Legal Department go back and put a different set of eyes on this matter and do their due diligence, to make absolutely certain that there was not another possible solution.

Mr. Hamilton stated that they would commit to the Council to not rebid it prior to the next Council meeting. He continued that at the next Council meeting, they would report back to the Council on these findings. He stated that then if there were not another possible solution, they could move forward with the rebid. He reiterated that they would not do this until they had reported back to the Council publicly.

Mr. Hamilton stated that if there were another possible solution, they would have to determine what it would be and do the appropriate resolution to address this.

Mr. Hamilton stated that their recommendation was that the Council pass the resolution as it was at this time. He continued that they were stating publicly that there was no deadline for them to rebid it, that they could allow the time to go back and make absolutely certain they had the process correct, and then they would come back and report to the

Council publicly on exactly how they intended to move forward on this particular issue.

President Culver stated that he had concerns about this matter. He stated that one was that while there was not a definite time in contracting, the first quarter of the year was very crucial, and asked if they would be able to ascertain if there were to be another way, i.e., going to the second lowest bidder, or if there was not another way, could they also be prepared to move forward with the bidding so that perhaps they could get this in within the first quarter of this calendar year.

Mr. Hamilton replied in the affirmative, stating that when they came back to the Council at the next regular Council meeting, they would lay out exactly what they had found and exactly what the law obligated them to do. He continued that if what the law would make them do would be to rebid it, they would be prepared to do that immediately but would not do it until after they had publicly reported this to the Council.

Mr. Hamilton stated that if there were a different solution, it would require action at the next regular Council meeting, that they would have that item on the agenda and be prepared to discuss it.

Mr. Hamilton stated that while the Council did not want a two-week delay, he believed that to make absolutely certain that everyone involved in this process was treated fairly, by the law, it would be appropriate for them to take the two

weeks. He stated that they would be able to accomplish what they needed to relative to these maintenance requirements in those two weeks, and they would move forward after the next Council meeting with what they would recommend.

President Culver asked if there was any further discussion.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she wanted to be clear on this matter and inquired if it was correct that the reason they could not go to the next responsible bidder was because the RFP in itself was flawed.

Mr. Hamilton stated that that was correct. He continued that the low bidder, DeAngelo Brothers, was fully responsive to the RFP. He stated that there were times that they published an RFP and persons would submit bids that did not fully respond to the RFP, and they would become disqualified during that process. He stated that in this particular case, because they had not stated a requirement for the license, they had responded to the RFP.

Mr. Hamilton stated that he understood there were questions about the way in which the State law was written. He continued that they would ask the Legal Department to go back and use all the arguments that were brought before the Council by Mr. Morgan earlier in the meeting during the public comments and make absolutely certain that they fully vetted those arguments, relative to State law, and report back on this at

the next Council meeting.

Councilwoman Robinson stated that this was an egregious mistake and that she applauded them for owning it and taking responsibility for it. She continued that it had not only created embarrassment for them but was also a difficult situation for DeAngelo Brothers and others who were involved in it. She asked what they could do to make sure something like this would not happen again.

Mayor Battle stated that portions of this had resulted because there was conflicting information from the agencies they were dealing with, that one agency had said they did not have to, and one had said they did. He stated that after they had bid it and DeAngelo Brothers had fully complied with it, it was brought up that they did have to, that they had gone to the second agency and found out that they did. He continued that they had also determined that both agencies had joint vestiges over this.

Mayor Battle stated that this was a very unusual case, but that it was a case that they had found out more information after they were finished, noting that they had entered this thinking that they were following every aspect of the law, and that they were according to one agency, but the second agency had said they needed to go one step further. He continued that at this time, they were back to square one, and they had to start over.

President Culver asked if there was any further discussion

of this matter.

President Culver asked Ms. Sargent to come to the microphone.

President Culver stated to Ms. Sargent that he had kind of a rhetorical question. He stated that all this apparently evolved from the fact that one of the bidders on this bid had actually brought this to their attention, which he noted was a good thing, because otherwise it could have been illegal, if they had awarded a contract to someone who did not have a general contractor's license, as required by State law. He stated that he knew her department was going to supervise the bidding and that his rhetorical question was: Will we make sure that the person who brought this to our attention, Mr. Morgan, with ChemPro, will have an equal opportunity, just like the other two bidders, without any discrimination because of what he did? He continued that in his opinion, it was a good thing that he brought it to their attention. He asked if Ms. Sargent could address this, as to how her office would handle this.

Ms. Sargent stated that all bids came in and were evaluated on the same standards. She stated that the name of the company was really irrelevant, that they would go through and ensure that everyone was hitting the criteria of the bid. She stated that all their dealings with Mr. Morgan and Chempro had been above reproach, that he had been professional and polite, and that there would be no reason for them to even look

at him in any other than a professional way.

President Culver stated to Ms. Sargent that that was why he had said it was a rhetorical question, noting that he had already known the answer. He stated that although Ms. Sargent had been with the City for only a short period of time, her office was handling things in an impeccable manner. He stated that he regretted this flaw, but they would make sure it would not happen again.

Ms. Sargent stated that they would, that once they got a final reading, they would ensure they were following it.

President Culver asked if there was any further discussion of the above resolution.

There was no response.

President Culver called for the vote on Resolution No. 16-132, and it was unanimously adopted.

President Culver read and introduced a resolution pledging the amount of \$4,600 toward the minimum local match requirement for a potential grant from the Alabama Historical Commission to the Huntsville Historic Preservation Commission for the professional survey of the historic McThornmor Acres neighborhood necessary to determine its eligibility for the National Register of Historic Places, as follows:

(RESOLUTION NO. 16-133)

President Culver moved for unanimous consent to approve this item at this meeting.

Councilman Russell called a point of order, stating that

there was no need for unanimous consent on this item.

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of the above resolution.

Councilman Russell asked President Culver if they could hear from Ms. White on this matter.

Ms. Jessica White, City Historic Preservation Consultant, stated that she would like to provide the Council a little background on this matter. She stated that she had been approached in August of 2015 by Donna Castellano with the Historic Huntsville Foundation in regard to McThornmor Acres, and that they had discussed the possibility of a National Register listing, and at that point had decided to approach Diane Walls, who was the coordinator of the Rocket View Neighborhood Association. She stated that Ms. Walls appeared to be pretty enthusiastic about this and seemed to think that the neighborhood would support a National Register nomination.

Ms. White stated that they had taken a cursory tour of the neighborhood and what they had found was a neighborhood that had had very few changes and was relatively intact to its original character of the 1950s and 1960s. She continued that it had been quickly determined that McThornmor Acres was a key neighborhood, as it was composed primarily of space-age residences, indicative of one of the most important time

periods in Huntsville's history. She continued that it had been home to engineers and scientists who had helped to solidify Huntsville's reputation as the Space Capital of the Universe.

Ms. White stated that with this encouraging information, she had decided to approach the Alabama Historical Commission with the idea of a nomination. She continued that they fully supported a survey and nomination of McThornmor Acres and had stated that this would be the first Space-Age Historic District listed to the National Register of Historic Places in the entire state of Alabama, which she noted was a huge accomplishment.

Ms. White stated that following the Alabama Historical Commission's recommendations, she was submitting a certified local government grant, requesting that a professional survey be completed. She continued that the purpose of this particular survey was to identify whether or not McThornmor Acres would be eligible for a listing on the National Register of Historic Places. She stated that this request was for \$14,000, and that the grant required a 40 percent match, meaning that a total of \$5600 would be required to meet the needs of the grant. She stated that the Historic Huntsville Foundation had graciously donated \$1,000 toward this match funding, leaving \$4600 remaining.

Ms. White stated that to date, their proposal had garnered a decent amount of community support, and that they hoped to

gather more at their meeting on the following Tuesday. She stated that it was important to remind the Council at this time that a National Register designation did not impose any restrictions on property owners and would not incur any further costs for property owners. She stated that what it did do, however, was to recognize the historic importance of McThornmor Acres on a national listing. She continued that it also provided property owners with the eligibility to be able to apply for certain tax incentives, as well as having the potential to increase property values. She stated that all these were very positive things that a National Register nomination could bring to this neighborhood.

Ms. White stated that her sincere request to the Council was that they consider the application for \$4600 to help in this pursuit, including a survey of McThornmor Acres which would hopefully lead to a National Register listing.

Councilman Russell stated to President Culver and Councilman Kling that he understood they were sponsoring this item and stated that Ms. Castellano had used words such as "appropriate," or perhaps "authorize," and noted that when he read the resolution, he had seen none of those words. He continued that his understanding was that this was just a pledge and that they had not yet made the budget resolution. He stated that it was fully his intention to support this at that time, but that, obviously, they were aware that if they did not have the money, it was going to come from somewhere,

and it would depend on where the money came from. He stated that he just wanted to make sure that the public was aware that this was a pledge and that it was non-binding. He stated that they intended to do it, and he believed the Council would stand by that, but there was nothing in the resolution authorizing money or appropriating money.

Mr. Hamilton stated that what Councilman Russell had stated was correct, that this resolution was an expression of the Council's intent to support the action. He stated that the Council did this pretty commonly with grant requests, particularly with the Police and Fire Departments bringing them grant requests where there was a matching requirement. He stated that this resolution was expressing the Council's intent to support the match. He stated that if they, in fact, received the grant, the Finance Department would bring to the Council a future budget ordinance that would appropriate the dollars and allocate them to this particular account.

President Culver asked if there was any further discussion of the above resolution.

President Culver recognized Councilman Kling.

Councilman Kling stated that, of course, he was going to speak in favor of the resolution, stating that this was a neighborhood he had enjoyed working with and that had been very actively working, holding frequent meetings and making numerous phone calls, to improve the neighborhood. He stated to President Culver that he was aware that in the past, when this

neighborhood was in the district he represented, he had also been very actively involved. He stated that he believed this would be a great shot in the arm for this neighborhood, that it was recognition, and that he believed it would be an education process, similar to what they had had with other neighborhoods in the past.

Councilman Kling stated that with this designation, persons could paint their houses however they wanted to, that they would not have to get permission from any committee. He stated that this was a recognition for the neighborhood, and that it would be a source of pride. He stated that this was not a Historic District, that it was inclusion on the National Register of Historic Places. He reiterated that he believed this would be a good education process, and that it could be repeated over and over again with the public, stating that they could not be too redundant on this. He stated that he believed this would be a great thing if it worked out. He stated that he was looking forward to attending the meeting on the following Tuesday.

Councilman Kling commended the work that Ms. White and Ms. Castellano had done on this, as well as the work of Mr. and Mrs. Walls and others in the neighborhood. He stated that it was a great thing that persons really had that much pride and that much commitment in their neighborhood, to come out and invest the amount of time they had invested.

President Culver stated to Councilman Kling that he

certainly shared his view on this. He stated that although he could not attend the meeting on the following Tuesday, he certainly supported the efforts in this area.

Mayor Battle stated that he had a question for Ms. White, concerning the difference in the definition of a "District" and a "Designation." He stated that they had concerns in the Old Town/Twickenham area, where if houses were taken down and they lost historic structure, they would lose their "Historic" designation. He asked if there was any concern in this neighborhood if someone came in and started taking down houses and putting up new houses. He asked if, in such occurrence, the designation could be taken away or if it was that the area was historic at one time.

Ms. White stated that this would be a National Register Historic District. She stated that the difference between Old Town/Twickenham/Five Points, and Alabama A&M was that these were locally designated historic districts, meaning that the persons from those districts had petitioned the City Council to come under the purview of the Huntsville Historic Preservation Commission, as a means of protecting their designation long term. She stated that with a standard National Register designation, there were no restrictions, that it would not come under the purview, or request to come under the purview, of the Commission.

Ms. White stated that, with that being said, they did have to maintain a majority of what they would call "historic

houses" to maintain the National Register listing. She continued that if the scales tipped in favor of non-historic houses, then it would be delisted from the National Register of Historic Places. She stated that, however, there was nothing to prevent this from happening.

Mayor Battle asked if it was correct that that would simply be a neighborhood choice, if they chose to do that, to take that many houses down and rebuild them.

Ms. White stated that the City of Huntsville required that 60 percent of property owners petition the City Council to come under the purview of the Huntsville Historic Preservation Commission. She continued that at this time they were not pursuing this at all concerning McThornmor Acres, that they were just looking at the National Register designation.

President Culver asked if there was any further discussion of this matter.

There was no response.

President Culver called for the vote on Resolution No. 16-133, and it was unanimously adopted.

President Culver stated that the next item on the agenda was Legal Department Items/Transactions.

Councilman Russell read and introduced an ordinance vacating a portion of a Utility and Drainage Easement for property located in Anslee Farms Phase 1A Subdivision along Ashor Drive (WP Madison Investments, LLC), as follows:

(ORDINANCE NO. 16-134)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced a resolution consenting to the vacation of a portion of a right-a-way for property located in Anslee Farms Phase 1A Subdivision along Ashor Drive (WP Madison Investments, LLC), as follows:

(RESOLUTION NO. 16-135)

Councilman Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Russell read and introduced an ordinance authorizing the vacation of a portion of a right-a-way for property located in Anslee Farms Phase 1A Subdivision along Ashor Drive (WP Madison Investments, LLC), as follows:

(ORDINANCE NO. 16-136)

Councilman Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted.

President Culver stated that the next item on the agenda was Non-Roster Communications from the Public. He stated that if anyone wished to address the Council, they should go to the microphone and state their name and address for the record.

Mr. Adam Morgan again appeared before the Council, stating that he was the person the Council had been referring to when discussing the bid situation. He thanked them for their

stewardship throughout this matter, stating that it had been handled in a professional manner throughout the City. He stated that the only part of this where he felt the communication was a little one-sided was that he disagreed with the resolution that had been put forth. He stated that in the specs, it did call for a general contractor's license within the parenthetical "if applicable." He continued that the statute said that service over \$50,000 would make it a necessity to have that license, that one would be obligated to have that license. He continued that on page 10, page 15, and page 29 these licenses were mentioned. He stated that he would just read one of these: "Bidders may be disqualified and rejection of bids may be recommended for any " and g: "For public improvement bodies only: Failure to note the general contractor's license number or note the bid amount is less than \$50,000." He stated that that was a red flag to him. He continued that on the address page at the end of the bid, it had a section that said "General Contractor's License (if applicable)." He stated that it was outlined in the specs, that it was listed.

Mr. Morgan stated that he was outraged that no one saw that this was an easy pass to the next lowest bidder. He stated that they were qualified, and they wanted the work. He stated that they had tried to make this easy, but that now they were going to have to go and bid it again, and that everyone else would get to see the price, that everyone had seen the

numbers, and that he might not have this opportunity. He stated that it was a mistake, and they could not see it his way, and that this was the problem. He continued that he was an easy way out, that he was the best solution, the most qualified bidder, and they were not recognizing it as such. He stated that he had caused the problem to be seen, and that that was not what this was meant to do. He stated that he was the default person to go to. He questioned why, stating that he had not gotten an answer, and that was his frustration.

President Culver asked Mr. Hamilton if he would like to address this matter.

Mr. Hamilton stated to Mr. Morgan that his points were noted, and that was exactly why he had said they would not rebid this contract until the Legal Department had reviewed each of his points. He stated that they would then come back and publicly lay out exactly what the correct solutions were. He stated that he was not saying that this would be found against Mr. Morgan, that he was not predisposing what would be found, that they were going to take each of the points that Mr. Morgan had made in this meeting, and the Legal Department would review them within the next two weeks and report back publicly to the City Council and tell the public exactly what would be required. He continued that if, in fact, it could be solved without rebidding, that was what they would do; and if, in fact, it could not be solved without rebidding, then they would follow the law. He stated that this answer was yet to

come, that it would be provided in two weeks.

President Culver asked Mr. Hamilton if he would meet with Mr. Morgan for any further discussion on this matter, it would be appreciated.

Mr. Junior Jordan appeared before the Council, stating that he was manager of A Metro Cab Company, 303 Triana Boulevard. He stated that his concern was with ride-share, Uber, Lift, noting that he had talked with Mr. Hamilton and Mr. Brown. He stated that since that time, he had been thinking about the hotel business and airport business, stating that if they had them out there, it would hurt his business worse. He stated that they would be picking up the early morning hotel trips before the vans started running, and that would hurt the cab business terribly.

Mr. Jordan stated that there were nine cab companies in the city, and that they had been in the city, that they were from Huntsville, Alabama, that they were not from San Francisco or New York but were in the city and took care of all the public.

Mr. Jordan stated that he had gone on Uber's web site, and that their drivers could drive for two hours, cut their phone off, and come back to work whenever they were ready. He continued that he did believe they would have backup. He stated that his company was 24/7, radio dispatched, and that they also rented a building in the city, where there would not be another building for lease in the city. He stated that he

hoped that when these companies did come in, they would have to do the same thing.

Mr. Jordan stated that these were his concerns at this time, and that when the first one came in, they would hear it and see and go from there. He continued that he hoped there would be a level playing field. He stated that he did not think they should be dispatched from San Francisco and New York, that they should have an office in Huntsville just like everyone else did.

President Culver thanked Mr. Jordan for his comments. He stated that as a taxi cab service, they provided an invaluable service to the community, and that they were appreciated for that.

Mr. Wesley Wilson appeared before the Council, stating that he was from United Deluxe Cab Company, 2222 Hall Avenue. He stated that the Council had passed something at this meeting without giving it much thought. He asked who was going to pick the old people up from the grocery store. He stated that these new people were not going anywhere for \$3, but they did, and they put the old people's groceries in the house, and the others were not going to do that. He stated that it sounded good, and he wanted to see the city of Huntsville grow, but he was going to be a senior citizen pretty soon, and he wanted somebody to put his groceries in the house. He stated that the others were not going to put the groceries in the house, but that they had to. He stated that sometimes they got a tip, and

sometimes they didn't, that sometimes they got cursed out, that if they broke an egg, they did. He reiterated that the Council had not given this much thought and asked them to think about it.

President Culver thanked Mr. Wilson for his comments. He stated that, likewise, he would be espousing the differences between his services versus the other services. He continued that the general public had demanded alternative sources of transportation, with the transit bus system and with all the other privately owned taxicab services. He stated that this was not to take anybody out of business, that it was just an additional mode of transportation for residents in Huntsville and Madison County.

Mr. Wilson stated that it was going to take some of them out of business, that he would promise them that it would.

Ms. Jackie Reed appeared before the Council, stating that she had to agree with the gentleman who had just spoken, that they were going to put a lot of them out of business.

Ms. Reed stated that perhaps she needed to jump the fence and take up with the big money boys. She continued that she was fighting a losing battle before the Council, that she got three minutes to speak and had to get real noisy and all upset to get her messages out.

Ms. Reed asked if the City would be liable as a result of all these vehicles coming in if someone got killed because of the drivers that were driving and wherever they were going.

She stated that they ought to know this, that surely they needed to know it.

Ms. Reed stated that she wanted to ask about blighted areas. She asked if there was an ordinance in the city to take care of blighted areas, like industrial development. She stated that they wrote up citizens for their houses and asked if there were any ordinances that would cover these industrial properties. She stated that they had different sets of rules for the rich and the poor, and she had a real problem with that.

Ms. Reed asked, concerning the Sewell property, how many acres the City had an option on, how much money had been put down on it, and how long the option would last. She stated that they had taken this from the Council and given it to the Industrial Development Board, but that she had not lost contact with it. She stated that she would like for someone to answer her questions concerning this. She stated that she knew they had tried to, but she would like to hear the rest of the answer.

President Culver stated that Ms. Reed's questions were how many acres the Sewell property consisted of, how much money was put down on it, and how long the option would last.

President Culver stated to Mr. Shane Davis that if he wanted to address these questions at this time, he could do so, or he could get this data and get back with Ms. Reed.

Mr. Davis stated that he could address it at this time.

Mr. Davis stated that in the month of January, the Council had extended the Sewell megasite property option. He stated that it was up to 2,000 acres that was available to the City for industrial development, but they had not purchased anything. He stated that he believed Ms. Reed at times had gotten confused as to how much property the City had purchased. He continued that they had purchased zero acres, and that they had no intention to purchase 2,000 acres. He continued that this was a tract that was being held for a large development, much larger than what Polaris or Remington would be. He continued that this option lasted for four years, and that it was two payments, once every six months, for \$75,000. He stated that this was a reduction from what they had paid in the past, that it was half.

Ms. Reed asked how much money had been put down on the first option.

President Culver asked Mr. Davis if he could address Ms. Reed's question.

Mr. Davis stated that there had been a series of years of contracts for this. He stated that he believed it was a total of five years that they had had an option, and that this totaled \$300,000, and that it had come through the Council. He stated that when they had gotten this extended, the property owner had allowed them to reduce this annual payment by half.

President Culver asked if there was anyone else who wished to address the Council at this time.

There was no response.

Upon motion, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER