

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, FEBRUARY 13, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, February 13, 2014, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Culver, Olshefski, Showers, Kling
Mayor:	Battle
City Administrator:	Hamilton
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Rabbi Beth Bahar of Temple B'nai Shalom led the invocation; President Russell led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on January 23, 2014, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Joy McKee to come forward, along with Denise Taylor and Thomas Evans. He stated that there had been some national honors and recognition of the Green Team under the Keep America Beautiful program. He continued that this was a great honor and asked Ms. McKee to tell everyone about it.

Ms. McKee stated that they had gotten very excited to be honored on the national level, noting that it was a real honor because they had actually gotten two recognitions.

Ms. McKee stated that Mayor Battle had come to her a few years prior and told her that he wanted something else in the recycling venue, that he wanted them to do a little bit more. She continued that they had then decided to do a bottle caps recycling program. She stated that Ms. Taylor would comment on this, reiterating that they were very excited to have won these awards.

Ms. Taylor stated that when this program had been announced about four years prior, they had had no idea it would take off like it had. She stated that it had increased by 50 percent each year and that in the current year they had a record number of 39 schools participating in the program. She continued that they felt they would far surpass the 3.2 million caps that had been collected the prior year. She stated that the citizens had also embraced this by recycling their plastic caps at any of the Huntsville fire stations. She stated that they would like to thank the fire stations for helping them make it convenient for the residents to participate in this program.

Mayor Battle asked if it was correct that these caps were used to make paint buckets, in Troy, Alabama.

Ms. McKee stated that that was correct, that they were made at KW Plastics.

Ms. McKee stated that Mr. Evans would tell about the Ditto Landing Cigarette Litter Prevention program.

Mr. Evans stated that he was certainly proud to be a part of something so great as Operation Green Team and what they did. He stated that he was part of the cigarette litter prevention program. He stated that they had ashtrays at Ditto Landing, which he noted was very important for everyone. He stated that cigarette litter, cigarette butts, was one of the bigger things that got littered. He stated that this was due to ignorance, that not a lot of people were educated about this, and that he was proud to be a part of something where he got to go out and educate persons about this. He stated that he was proud of Ditto Landing and wanted to thank them for helping so much with this and getting the program started there. He stated that they could win this award because of them.

Ms. McKee stated that she also wanted to note that they had had 56,000 volunteers with Operation Green Team in the prior year. She continued that they needed that many more and stated that she hoped the citizens would see opportunities to partner with Operation Green Team. She stated that this was one of the things that kept the city clean and green and that it was an economic development tool for the community.

Ms. McKee thanked the Mayor and the Council for all their support.

Mayor Battle congratulated the Green Team for having

received the two national recognitions.

Mayor Battle asked Dr. Harry Hobbs to come forward for a recognition.

Dr. Hobbs asked Matthew Reed to come forward, noting that he was the second CAFY Young Citizen of the Month, for the month of February. He stated that he had won this award for what he was doing for the community, noting that he was not only a leader on the athletic field, as a team captain/co-captain of several sports, but that he also cared enough about his fellow students to help tutor them. He stated that Matthew was an outstanding student, with a GPA of 4+ overall in his scholastic endeavors. He stated that Matthew wanted everyone around him to succeed so he had volunteered his time, not only on the playing field but in the classroom. He continued that Matthew epitomized what they were trying to recognize as the CAFY Young Citizen of the Month. He stated that they had partnered with Star 99.1 and DynCorp International in this endeavor.

Dr. Hobbs stated that they wanted to present to Matthew a Human Relations Commission certificate, as well as a prize package of other items.

Ms. Sara Crocker of the City of Huntsville Human Relations Commission stated to Matthew that they were very proud of him and were honored to have been able to select him as the Young Citizen of the Month. She presented a certificate to him, which she noted stated that CAFY, Star 99.1, and the Human

Relations Commission of the City of Huntsville were proud to honor Matthew Reed as the CAFY/Star 99.1 Young Citizen of the Month.

Mr. George Dugan stated that it was wonderful to see the younger generation coming up and taking such good care of the community and doing what they could to help, noting that DynCorp International was very proud of Mr. Reed. He stated that he had a few things for him, including a plaque honoring him for receiving this award. He stated that this was being presented with great appreciation from DynCorp International.

Mr. Buzz Stephens of Star 99.1 stated that Star 99.1 was certainly proud to be a part of this endeavor to support leadership at an early age, stating to Matthew that he was really the epitome of this. He stated that what he was presenting to him was just showing a small appreciation for the things that Matthew had done and the things he would do in the future. He thanked him for his service.

Dr. Hobbs stated that he would like to present Mr. Reed with the CAFY Coin of Excellence, noting that there were four different pillars: Health, Education, Careers, and Finances. He urged Mr. Reed to continue to do great things and thanked him for being a part of this program as they tried to inspire other young folks in the community to be above and beyond.

Mayor Battle congratulated Mr. Reed.

President Russell stated that item 6.b.2 had been deleted from the agenda. He stated further that it was the Council's

intention to vote at this meeting on item 9.b.3, Resolution No. 14-80; item 9.b.4, Resolution No. 14-81; and item 14.e, Ordinance No. 14-87, and that at the appropriate time he would ask for unanimous consent in order to do so.

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

Councilman Showers read and introduced a resolution to declare a public nuisance located at 1410 Calvary Street, NW, and to set a public hearing at the February 27, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-74)

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

President Russell stated that the next item on the agenda was Communications from the Public. He stated that persons would have three minutes to address the Council.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that as veteran of the United States Army, he wished to acknowledge the 9 U.S. military personnel killed in the war during the month of January, noting that this was six United States Army soldiers, two United States Marines, and one United States Air Force airman.

Mr. Cox stated that there had been local TV news reports in January of a town hall meeting on the subject of the hen ordinance. He continued that he had understood the Council

would be setting a public hearing on this matter but that President Russell had just announced that this item had been deleted from the agenda. He stated that this issue should just fade away. He stated that he had not had anyone tell him they wanted hens in their back yard, noting that he believed the potential negatives of this outweighed the potential positives.

Mr. Cox stated that there were certainly more important matters affecting Southwest Huntsville that should be the subject of town hall meetings and public hearings. He continued that there were real issues, with No. 1 being that just three weeks into 2014, there had been three homicides in Southwest Huntsville, all three within less than one mile of McDonnell Elementary School. He stated that the No. 2 issue was that as many as 60 percent of the homes in Bailey-Patton Estates in Southwest Huntsville had been the target of a crime, including his own home, on January 12.

Mr. Cox stated that No. 3 was that Southwest Huntsville's middle school and elementary school had been closed a few years prior and that now there had been the announcement that McDonnell Elementary School and Butler High School would be closed. He continued that this meant all three levels of their neighborhood schools would be shuttered. He stated that he doubted this had ever happened previously in the State of Alabama.

Mr. Cox stated that it was unfortunate that the residents and their elected officials had allowed events that gave rise

to these three issues.

Mr. Cox asked, concerning items 16.b.1.a, Resolution No. 14-127, and 16.b.1.b, Ordinance No. 14-128, how these items had come about and why this action was in the public interest, other than just stating so.

Councilman Kling stated that there had been a widespread amount of crime that had taken place and that he had had some contact with Chief Morris and there had been some investigations. He asked if Chief Morris could respond as to what had been going on in that area, working with the West Precinct on it.

Chief Morris appeared at the microphone.

Councilman Kling stated to Chief Morris that, as he was aware, they had had emails and contacts about the crime issues in West Huntsville. He asked if he could comment on this matter or if it would be something to which the precinct captain would be better able to respond.

Chief Morris stated, concerning the burglaries in the area, that they had actually made some arrests. He continued that Holiday Homes was included in the initiative, along with other neighborhoods in the area. He stated that there had been an increase in activity in this area, but the precinct commander had instituted some plans to deal with this, and that the burglary squad was also aware of it.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, expressing appreciation to all the City employees,

including the police officers, fire fighters, et cetera, for the work they had done during the recent weather situation, and also the TV stations and radio stations that had kept persons off the streets. She continued that she felt this bad weather event was certainly handled well and that she certainly appreciated that.

Ms. Reed stated that changing the names of schools and streets was not something she believed they needed to do in the city. She stated that if there would be a new street in the city, they should name it after someone, and if they got a new school, they should name the gym after somebody. She urged them to stop changing the names of streets, noting that they were always changing something in the city and that they should leave this alone. She stated that they should stop changing up the city and confusing everyone.

Ms. Reed stated that she agreed with everything Mr. Cox had said. She stated that she wanted them to just leave the chickens alone, noting that she was tired of hearing about this. She stated that they needed to get on to something bigger and better, such as crime and the roads. She stated that they should not blame the snow and ice for the problems with the roads in the city, noting that there had been problems a long time before this had happened.

Ms. Reed stated that she saw that there was an agreement on the agenda and asked the Council to hold item 15.00 on the agenda and explain it. She stated that she

believed the citizens should be aware of items such as this before they were brought before the Council.

Ms. Reed stated that she was opposed to shutting down Butler High School and that she was still fighting with Dr. Wardynski about that. She continued that there were five schools in the area that needed a high school. She stated that she had learned at a School Board meeting that 126 buses ran to the schools in the city every day, at a cost of \$7.5 million per year. She stated that this was pretty bad. She continued that the utility bill at Huntsville High School was \$30,000 a month. She asked where all the cost savings were.

President Russell stated that the next item on the agenda was Huntsville Utilities Items. He asked Mr. Joe Gehrdes of Huntsville Utilities to give an update as to the status of the power grid in Huntsville and how everything was. He asked if Huntsville's constituents and neighbors had power.

Mr. Gehrdes replied in the affirmative, stating that as of the most recent information, they were down to one isolated outage on their system at this time, in the Harvest/Monrovia area, which was affecting less than a dozen customers. He stated that at the height of the storm, they had had as many as approximately 3,000 customers out at once. He continued that they had had four or five large outages and a number of small outages scattered across the county throughout the evening, until mid-day on the current day. He stated that as of the afternoon, they had been down to less than half a dozen, and he

reiterated that as of this time, they were down to one in the Harvest/Monrovia area. He stated that they had had up to 30 crews mobilized, all across the county, addressing the outages, and that the crews had done an outstanding job of getting the power restored as quickly as they could, given the road conditions.

President Russell stated that Councilman Olshefski would recuse himself on the Utilities items and abstain on all votes.

President Russell read and introduced a resolution authorizing approval to purchase participation in Alabama One Call (811) (PR#10139808) (Utilities: Electric), as follows:

(RESOLUTION NO. 14-75)

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

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing approval to renew the annual Doble hardware and software lease (PR#10141163) (Utilities: Electric), as follows:

(RESOLUTION NO. 14-76)

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

Councilman Showers.

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing approval to purchase annual software support for OnBase Imaging (PR#10141866) (Utilities: Electric), as follows:

(RESOLUTION NO. 14-77)

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

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the Mayor to execute a Memorandum of Understanding between the City of Huntsville, Huntsville Utilities, and Madison County 911 Center for sharing communications facilities (Utilities: Electric), as follows:

(RESOLUTION NO. 14-78)

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

Councilman Showers.

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the Mayor to execute a proposed New Metering Installation Agreement covering arrangements for TVA's provision of a new 46 kV revenue metering installation at the County Line Road 161-kV substation (Utilities: Electric), as follows:

(RESOLUTION NO. 14-79)

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

Councilman Kling stated to Mr. Gehrdes that, as he understood it, there was nothing included in this pertaining to SmartMeters, and that when SmartMeters would be brought up, they would provide an opportunity for public input.

Mr. Gehrdes stated that that was correct.

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell asked Mr. Gehrdes to convey a big thank you from the Council to everyone who worked at Huntsville Utilities, noting that they had done a great job handling the weather situation. He stated he was aware that the employees had been out 24/7 and stated that this was certainly appreciated.

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

Councilman Kling nominated Chris Cianciola for reappointment to the Huntsville-Madison County Emergency Management Board, for a term to expire July 1, 2017.

Councilman Kling nominated Jim Batson for reappointment to the Board of Examinations and Appeals for Construction Industries, for a term to expire on September 21, 2018.

President Russell stated, concerning the next two items, 9.b.3, Resolution No. 14-80, and 9.b.4, Resolution No. 14-81, that he would be asking for unanimous consent to take these up at this time because the person who had held this position had passed away. He stated that Councilman Olshefski was recusing himself from this issue and would be abstaining on the votes.

President Russell read and introduced a resolution appointing Dr. Dorothy Huston to the Huntsville Natural Gas Utility Board, for a term to expire July 1, 2015, as follows:

(RESOLUTION NO. 14-80)

President Russell moved that unanimous consent be given for the immediate consideration of and action on said

resolution, which motion was duly seconded by Councilman Showers, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the motion for unanimous consent for immediate consideration of and action on said resolution had been unanimously adopted, with Councilman Olshefski abstaining.

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

Councilman Showers stated that Dr. Huston would be replacing the position held by Mr. William Myers Johnson, who had recently passed away.

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell read and introduced a resolution appointing Dr. Dorothy Huston to the Huntsville Water Utility Board, for a term to expire July 1, 2015, as follows:

(RESOLUTION NO. 14-81)

President Russell moved that unanimous consent be given

for the immediate consideration of and action on said resolution, which motion was duly seconded by Councilman Showers, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the motion for unanimous consent for immediate consideration of and action on said resolution had been unanimously adopted, with Councilman Olshefski abstaining.

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

President Russell called for the vote on the above resolution, and the following vote resulted:

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell asked if there were any further Board appointment nominations.

There was no response.

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

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

(RESOLUTION NO. 14-82)

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

Councilman Kling called on Mr. Randy Taylor, Director of Finance, for a finance report.

Mr. Taylor stated that he had a few figures he could report to the Council for sales tax revenue through January, noting that this would reflect the holiday season. He stated that the December sales tax figures were down .8 percent from the prior December. He stated that this was not where they had wanted to be, that it had pulled their year-to-date figure down somewhat, noting that they were at this time at 2.7 percent year-to-date and were expecting 3 percent in the budget. He stated that they would have to stay tuned to this and pay attention, noting that there was no way to determine why this figure would be up or down.

Mr. Taylor stated that as far as other revenues, it was still early for some of those. He stated that property taxes were right where they needed to be, at 2 percent growth, and the revenues from Huntsville Utilities were exactly where they needed to be, as well. He stated that these were the two they knew with confidence, but that they would have to wait another month or two for the figures on the privilege licenses, which he noted was the second highest source of revenue. He stated that they anticipated this would be within their budget

projections, as well.

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

Mayor Battle stated that he would first like to address the chickens, noting that he was aware they had ruffled Ms. Reed's feathers over the past couple of weeks with this matter. He stated that they had brought up the idea that persons could have chickens in their back yards, three chickens per yard, with no roosters, only hens. He stated that this had been an idea that had not been fully explained, that the public was not educated well on it. He stated that they had taken the matter to the Planning Commission, and there had been a vote of 9 to 3 in opposition to it. He continued there just was not the movement or support for this at this time. He stated that they had pulled this item from the agenda and would not introduce it until such time as there was support for it, noting that that might be quite some time.

Mayor Battle stated that he wanted to thank the persons who had gotten the city through the last couple of days, noting that employees at Public Works had worked 24/7 for the past four days. He continued that Public Safety had also done a great job handling the situation, as well as had Public Transit, noting that they had taken 250 persons for dialysis over the last few days, in the midst of some pretty trying conditions. He continued that Huntsville Utilities had worked admirably on the situation, as well as ALDOT, spreading salt

and sand on I-565, and that they had kept the roads open, with five inches of snow. He thanked everyone who had done a great job handling this situation and stated that he felt the community owed them a big thank you for what they had done.

Mayor Battle stated that persons might have noticed there were quite a few persons in town, with various events that were occurring at this time. He stated that in the following week the City would host the Association of the U.S. Army Winter Symposium and Exposition, which he noted was a very large convention and trade show and seminar on the U.S. Army. He stated that there would be many new persons in the city over the next few days and asked the citizens of the city to make themselves ambassadors and offer assistance in any way they could.

Mayor Battle stated he would like to offer condolences to Mr. Bob Harrison, County Commissioner, noting that his mother had passed away recently.

Mayor Battle stated that he and Councilman Showers had been at Lakewood recently, at Lakewood Park. He stated that there was quite an improvement in this park, that Parks and Recreation had done a super job with it, that they had added split-rail fencing, a walking track, a pavilion, a KaBOOM! playground, and tennis courts, to make this into a real community center. He stated that he was very proud of what had happened there and thanked Councilman Showers for his assistance in making it happen.

Mayor Battle stated that he would like to make the following appointments:

Katy Stamps to the Huntsville Historic Preservation Commission, to fill an unexpired term to expire on May 14, 2015.

Kyle Collins to the Planning Commission of the City of Huntsville, to fill an unexpired term to expire on October 26, 2014.

Mayor Battle stated that Kyle Collins would be replacing Donna Lamb, noting that Ms. Lamb had served in many volunteer capacities in the City and had been a great asset for the community. He stated that she was now splitting time between Huntsville and another place outside the city and would not be able to continue serving on the Planning Commission. He expressed appreciation to her for all the work she had done to make sure the community was a great place to live.

President Russell stated that the next item on the agenda was Communications from Council members.

Councilman Kling stated that the following Monday would be Presidents' Day, and the library would be closed, so that he had rescheduled his monthly town meeting to Monday, February 24. He stated that the primary topic would be upcoming road resurfacing, noting that Mr. Hatfield was preparing for approximately \$3 million in road surfacing, with two-thirds of that amount going into neighborhood streets throughout the city. He stated that, of course, at this

meeting they could also discuss other topics that persons might want to bring up.

Councilman Kling stated that he had recently attended a meeting of the Holiday Homes Neighborhood Association and that he wanted to congratulate Tina Rich for being elected president of this organization. He stated that this was a great group and that they had been able to do some good things within the neighborhood.

Councilman Kling stated that Dennis Madsen had been able to go out for a ride with B.J. Robinson through West Huntsville, as part of the work he was doing to come up with a comprehensive city plan. He stated that he had had some good communication with Mr. Robinson about this beforehand and that he was aware he had pointed out the fact that Patton Road was the front door to the city, so to speak, when one came off the arsenal. He stated that he felt Mr. Robinson had made a very persuasive argument and they were going to see if they could get some things to happen to improve that area.

Councilman Kling stated that Michelle McMullen from Lowe Mill would be riding with Mr. Madsen in the next couple of weeks. He continued that Ms. McMullen had had some health issues recently and wished her a good recovery.

Councilman Kling asked if Shane Davis was present at the meeting.

Mr. Davis appeared at the microphone.

Councilman Kling stated to Mr. Davis that he was aware

that persons had been working to try to find a solution to Walmart leaving its present location, noting that he believed the City had been doing some marketing in that regard. He asked if Mr. Davis could advise as to where they were on this process, as far as something going into the old Walmart property at Drake Avenue and Memorial Parkway.

Mr. Davis stated that at this time there was nothing definite they could announce. He continued that the property was being marketed and that several retailers were currently looking at it. He stated that he believed as Walmart came closer to moving to their new location, something more definite would come about.

Councilman Showers stated that he was delighted, as Mayor Battle had previously mentioned, to have the opportunity to be at Lakewood earlier in the week. He stated that there certainly had been a tremendous improvement in the park, with walking trails, tennis courts, a new playground, et cetera. He stated that he wanted to thank the Recreation Department and others who had contributed to this endeavor.

Councilman Showers stated that earlier in the week he had attended a symposium on health, and that Representative Laura Hall and the Rev. Dr. Julius R. Scruggs had hosted a discussion dealing with affordable health care.

Councilman Showers stated that on the following Tuesday he would be going to the Toyota plant, for the launching of their new V-6 engine. He stated that he would be joining

Mayor Battle and others for that opportunity as they revealed this new V6 engine.

Councilman Showers stated that on the following Sunday at Girls, Inc., Stephanie Malone and others were hosting another symposium dealing with "Teaching and Tutoring" young boys. He stated that he was certainly looking forward to participating in this.

Councilman Showers asked for the prayers of the community, noting that, as it had been announced earlier, a great Board member of the Utilities, Water and Gas, Mr. Johnson, had passed away. He stated that Mr. Johnson had three daughters and that he was soliciting prayers for them in this hour.

Councilman Showers requested of President Russell that at the next work session of the Council, he would put on the agenda "Success for the Future," to have a discussion, noting that there was a possibility the Council would be asked to create a new committee dealing with this.

Councilman Olshefski stated that he, as always, was very impressed with the City staff, as to how they handled the weather situation. He stated that there was a lot of great planning and great work going on in this regard.

Councilman Olshefski stated that the Mayor had already commented on the AUSA matter, but that he would like to emphasize that this was really big, that it had never been held pretty much anywhere except Florida. He stated that the City had this event because of all the BRAC and the four-star

headquarters, et cetera. He stated that they could not have gotten this without the talent involved. He stated to Mayor Battle that he certainly appreciated what he was doing behind the scenes to bring this to the city, noting that it was an opportunity for more opportunity in the future.

Councilman Olshefski stated that the Chaffee neighborhood would be holding its normal monthly meeting on Monday, February 24. He stated to Mayor Battle that he appreciated that he was going to attend this event. He continued that Mr. Hays would be there to make a presentation for what might be done with Haysland Square. He stated that there was also discussion about Dr. Wardynski attending this meeting.

Councilman Culver stated that he wanted to echo everything that had been said by Mayor Battle, President Russell, and his colleagues as it related to the City of Huntsville employees and the work they had done over the prior few days. He stated that he also appreciated what Huntsville Utilities had done in this regard, for having taken care of the residents and keeping everyone, for the most part, with power.

Councilman Olshefski stated that he would like to remind persons that even though a lot of work had been done on the snow event in the city, the following morning could be pretty bad, with the temperatures dropping overnight.

President Russell thanked all the Emergency Management team, noting that Huntsville was a great community and that he believed this was one of the things that separated them from

other communities. He stated that each day the team had met to go over the weather briefings, noting that also present were the Chairman of the Madison County Commissioner, the Mayor of Madison, and representatives of the City, noting that they were working together for not only the City of Huntsville but for the entire community. He stated that he would also like to thank HEMSI, noting that they did a wonderful job in making sure that citizens got to the hospital if necessary. He continued that they also helped with sporting events, noting that they would be staffing the wrestling tournament that would be in the city on the following day. He stated that it was a comfort for outsiders who came into the community to know that somebody was there from HEMSI to assist them.

President Russell asked that a representative of the Boy Scouts in the audience go to the microphone and tell the Council what badge they were working on and what troop they were with.

A representative of Troop 466 appeared before the Council, stating that they were working on the Citizenship in the Community badge, requiring that they attend a Council meeting and report on what they had learned.

President Russell stated that if they needed any assistance after the meeting, to come forward and the Council members would be glad to assist them.

President Russell stated that the next item on the agenda was Unfinished Business Items for Action.

President Russell moved for approval of Ordinance No. 14-49, annexing land lying west of US Highway 431 South and on the north side of Plainview Drive, which ordinance was introduced at the January 23, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-49)

Said motion was duly seconded by Councilman Showers.

President Russell asked Ms. Marie Bostick, Manager of Planning Administration, for an explanation of the above ordinance.

Ms. Bostick stated that there was a single-family home located on this property, noting that it was on the north side of Plainview Drive, that it was three-quarters of an acre, and that it was in the Big Cove community.

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

President Russell stated that the next item on the agenda was New Business Items for Introduction. He stated that the Council planned to take up by unanimous consent item 14.e, Ordinance No. 14-87.

President Russell read and introduced Ordinance No. 14-83, approving the following street name change: a portion of Veridian Way SE to be renamed Bluff View Drive SE.

President Russell read and introduced Ordinance No. 14-84, concerning the naming of Holladay Boulevard.

President Russell read and introduced Ordinance No. 14-85,

concerning the annexation of land lying on the west side of Christopher Drive and north of US Highway 72 West.

President Russell read and introduced Ordinance No. 14-86, concerning the annexation of land lying on the west side of Nick Fitchard Road and west of Research Park Boulevard.

President Russell read and introduced an ordinance annexing land on the north side of US Highway 72 West and east of Jeff Road, as follows:

(ORDINANCE NO. 14-87)

President Russell 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: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

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

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

President Russell asked Ms. Bostick to explain the above ordinance and also explain why they had asked that it be voted on at this time.

Ms. Bostick stated that this was 13 acres of land, located

on the north side of Highway 72, and that it was currently vacant property. She stated that there was a home that was being sold for commercial development. She stated that this was a new car dealership location, that they were very anxious to start construction, and that was the reason for the request for annexation at this meeting.

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

President Russell read and introduced Ordinance No. 14-88, amending Ordinance No. 10-676, Fee Schedule, for Animal Services Center.

President Russell read and introduced Ordinance No. 14-89, amending Article I, Chapter 5, Section 5-1, Article II, Division I, Chapter 5, Sections 5-41, 5-73, and 5-74 of the Code of Ordinances of the City of Huntsville, due to new wording, changes in adoption and redemption rules and regulations.

Councilman Kling stated he was aware that the ordinance concerning the naming of Holladay Drive was just for introduction at this meeting but asked if he could get an overview of what was being proposed as far as Holladay Drive. He continued that there was Holiday Homes and then this "Holladay" was being introduced.

Ms. Bostick stated that it should be "Holladay Boulevard," noting that this was a misprint on the agenda. She continued that it was to be Holladay Boulevard and not Holladay Drive,

which she noted would have been exactly the same sound and name as the existing Holiday Drive. She stated that the subject property was actually located in Limestone County. She continued that they had spoken with emergency services and traffic and they had concurred that it would not be a problem with any type of directional information since one was a "Boulevard" and one was a "Drive" and they were located in different counties.

Councilman Kling stated that, as far as the two names, that even though they sounded alike, they were spelled differently.

Ms. Bostick stated that that was correct.

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

President Russell moved for approval of a request for authorization to advertise and fill two (2) budgeted temporary, Part-Time Programmer Analyst positions at a higher rate than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell moved for approval of a request for authorization to advertise and fill the position of Network Engineer II, Grade 19, at a higher rate than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell moved for approval of a request for authorization to advertise and fill the position of two (2)

regular full-time Recreation Aides, Grade 7, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced an ordinance to declare property as surplus and to be sold at public auction, as follows:

(ORDINANCE NO. 14-90)

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

President Russell moved for approval of a request for authorization to advertise and fill one (1) budgeted position of Equipment Technician II, Grade 13, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement with the Lawrence County Commission for the transfer of personal property, as follows:

(RESOLUTION NO. 14-91)

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

President Russell moved for approval of a request for authorization to advertise and fill one (1) position of Parking and Public Transit Services Worker, Grade 6, at a higher rate than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to enter into agreements with the low bidders as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 14-92)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a joint purchasing agreement with the Madison County Commission for the joint purchase of Crushed Stone, as follows:

(RESOLUTION NO. 14-93)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an Installment Agreement with Wreck Tech, Inc., for unpaid taxes, as follows:

(RESOLUTION NO. 14-94)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 13-630 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 14-95)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Reed Contracting Services, Inc., for Periodic Bid for Various Construction Projects-2013, Project No. 65-13-SP31, by Change Order No. 1, as follows:

(RESOLUTION NO. 14-96)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Miller & Miller, Inc., for Gateway Greenway, Phase II, Base Bid and Option No. 1, Option No. 2, Option No. 3, Option No. 4A, and Option No. 5, Project No. 65-13-WP01, as follows:

(RESOLUTION NO. 14-97)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with S&ME, Inc., for Engineering Services for Aldridge Creek Channel Maintenance Projects, Project No. 65-14-DM09, as follows:

(RESOLUTION NO. 14-98)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Littlejohn Engineering Associates, Inc., d/b/a G. W. Jones & Sons Consulting Engineers, to accept the assignment of the following contract owned by ICA Engineering, Inc., as of December 31, 2013, Resolution No. 13-801, as follows:

(RESOLUTION NO. 14-99)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Reed Contracting Services, Inc., for Martin Road on Redstone Arsenal, Base Bid and Option No. 1, Option No. 2, and Option No. 3, Project No. 65-10-RD09, by Change Order No. 1, as follows:

(RESOLUTION NO. 14-100)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Reed

Contracting Services, Inc., for Industrial Access and Turn Lanes to the Toyota Plant, Base Bid and Alternate No. 1, Project No. 65-13-SP24, by Change Order No. 1, as follows:

(RESOLUTION NO. 14-101)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc., for WPC Sanitary Sewer Relocation, County Line Road and I-565, Project No. 65-12-SM01 and ALDOT Project No. IM-I565(307), as follows:

(RESOLUTION NO. 14-102)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Land Surveying Services for Sanitary Sewer Manhole Mapping, Project No. 65-14-SP08, as follows:

(RESOLUTION NO. 14-103)

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

President Russell read and introduced a resolution authorizing the Mayor to execute condemnation proceedings to

acquire sanitary sewer easements and temporary construction easements for Goose Creek Sewer Project, as follows:

(RESOLUTION NO. 14-104)

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

President Russell read and introduced a resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by Western Surety Company, as follows:

(RESOLUTION NO. 14-105)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke First Commercial Bank Letter of Credit No. 129 for Hawks Ridge 5th Addition, as follows:

(RESOLUTION NO. 14-106)

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Joseph and Judy DeFlore (Claim No. FY14-22), as follows:

(RESOLUTION NO. 14-107)

President Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Charmaine Johnson (Claim No. FY13-106), as follows:

(RESOLUTION NO. 14-108)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 12 to the Supplemental Development Agreement, TIF-5, Series 2010-A, to the Annexation and Development Agreement between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 14-109)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a settlement agreement in the lawsuit entitled James Mason and Joanne Pearson v. City of Huntsville, in the United States District Court for the Northern District of Alabama, Northeastern Division, Case No. CV-02794-CLS, as follows:

(RESOLUTION NO. 14-110)

President Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into a lease agreement between the City of Huntsville and Recovery Services, Inc., for the lease of 820 North Memorial Parkway, as follows:

(RESOLUTION NO. 14-111)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an Agreement between the City of Huntsville and Jake Marshall Services Inc., for LED Retrofit Lighting, as follows:

(RESOLUTION NO. 14-112)

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

President Russell read and introduced an ordinance declaring property as surplus and authorizing it to be sold at public auction, as follows:

(ORDINANCE NO. 14-113)

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

President Russell read and introduced a resolution

authorizing the Mayor to apply for and execute an FY 2014 EPA Air Grant in an amount up to \$100,000 in federal funding to support the City's Air Pollution Control Program, as follows:

(RESOLUTION NO. 14-114)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Stanard & Associates, Inc., for professional services to develop and administer written and practical examinations for Fire Inspector-Investigator, as follows:

(RESOLUTION NO. 14-115)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Town of Owens Cross Roads, as follows:

(RESOLUTION NO. 14-116)

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

President Russell read and introduced a resolution authorizing the Mayor to accept a grant from the Alabama Law Enforcement Agency, as follows:

(RESOLUTION NO. 14-117)

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

President Russell read and introduced a resolution authorizing the Mayor to issue travel funds in advance for Police Department employee attending the FBI National Academy, as follows:

(RESOLUTION NO. 14-118)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 13-630, by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 14-119)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement to accept DC Fast Charger donation from Nissan North America, Inc., as follows:

(RESOLUTION NO. 14-120)

President 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 agreement with Family Services Center, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 14-121)

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

President Russell asked Mr. Ken Benion, Director of Community Development, for an explanation of the above resolution.

Mr. Benion stated that they had been awarded additional funds by ADECA for the homeless, an emergency solutions grant, noting that at times there would be other agencies or municipalities that could not utilize all their funds. He continued that this 19,000-plus dollars had been awarded for additional services and they would be using it for a transitional housing program. He continued that a transitional housing program basically took care of homeless individuals who were single parents and had children enrolled in Huntsville schools.

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

Councilman Showers read and introduced a resolution authorizing the Mayor to modify the agreement with Johnson &

Associates Consulting Engineers, L.L.C., for Engineering Design and Construction Administration Services for Carmichael Park, Project No. 65-12-DM25, by Modification No. 2, as follows:

(RESOLUTION NO. 14-122)

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

President Russell asked Mr. Hamilton for an explanation of the above resolution.

Mr. Hamilton stated that this was an extension of an existing contract, noting that as they added material to this site, this would assure they were complying with the ADEM requirements on this particular piece of property. He stated that once this was filled up and completed, the land would be turned over to Parks and Recreation and would be available to become a park, being Carmichael Park.

Councilman Showers inquired as to the completion date for the project.

Mr. Hamilton stated that they did not have a specific date, but noted that it was getting fairly close. He stated that as they had excess soil and materials that would come out of projects, particularly if they were to have any demolition projects, the materials that would be suitable to go in this site would begin to fill it up. He stated that they did not have any specific projects so that he could give a specific date, but he reiterated that they were getting pretty close on the site.

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

Councilman Showers read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and CCI Group, Inc., for use of engineering plans for Goss Road Realignment construction on Redstone Arsenal, Alabama, as follows:

(RESOLUTION NO. 14-123)

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

President Russell asked Mr. Joffrion for an explanation of the above resolution.

Mr. Joffrion stated that this was in connection with the EUL project. He stated that the Council would recall that the City of Huntsville had provided \$2.5 million for use by Redstone Arsenal in connection with infrastructure improvements on Redstone Arsenal. He stated that these funds had been transferred to the Federal Building Authority to contract directly for the construction of the Goss Road improvements and for General Officers Quarters on Redstone Arsenal. He stated that the City of Huntsville had initially contracted for the design of the engineering work on Goss Road, and that since this work was now going to be administered by Redstone Arsenal and the Federal Building Authority, the City was transferring, or selling, these plans to the entity with whom they were

contracting so that the City could recoup these monies and use them for another purpose.

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

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Huntsville and the Cyber Huntsville Corporation, as follows:

(RESOLUTION NO. 14-124)

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

Mayor Battle stated that the administration had been working on this cyber effort for the past five years, that they had had more than 100 companies and more than 200 volunteers working on it. He stated that Ms. Michelle Jordan, Economic Development Director, had been the City's conduit to this and had attended all the cyber meetings. He asked Ms. Jordan to comment on this matter.

Ms. Jordan stated that this Memorandum of Understanding was between the Cyber Huntsville corporation, North Alabama Community College, the City of Huntsville, the City of Scottsboro, the Jackson County Economic Development Authority, the University of Alabama in Huntsville, and the Alabama State Board of Education, District 8. She stated that this was simply an agreement between these entities to promote, advocate, and support cyber activities along this corridor.

She stated that no funds were involved in this.

Councilman Showers stated that Alabama A&M University had a division that involved cyber and inquired as to whether there was any reason why they were not included in this.

Ms. Jordan stated that they could certainly be a part of it and that she would be happy to take this back to the group, noting that this was just the working group that had been established.

Councilman Showers asked her if she would do so and then report back to the Council on the matter.

Ms. Jordan stated that she would certainly do so.

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

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement with NACH, North Alabama Coalition for the Homeless, Inc., as follows:

(RESOLUTION NO. 14-125)

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

President Russell asked Mr. Benion for an explanation of the above resolution.

Mr. Benion stated that, as the Council members were aware, his department had worked with the North Alabama Coalition for the Homeless in the prior few weeks to establish warming centers, noting that most of the materials and food and

transportation involved in this had been donated by churches. He stated that his department had UDAG funds, Urban Development Action Grant funds, and they were asking to have the ability to supplement some of the things for which they had not been able to get volunteers. He stated that they were asking for up to \$5,000, but noted that they would not spend that. He continued that they just did not want to have to come back to the Council each time they needed some funds when a warming center was opened.

Councilman Kling inquired as to the location of the warming centers.

Mr. Benion stated that currently the warming center was located at Grateful Life Church, on Oakwood Avenue. He continued that they had also had one during one of the cold spells at Operation Stand Down.

Councilman Culver asked if this would be an ongoing thing, noting that \$5,000 did not seem like a lot of money.

Mr. Benion stated that they had been trying to get this established and wanted to do this in order to do so. He stated that they did not expect to spend this amount unless there continued to be extreme cold weather during this winter season. He stated that as far as what they were going to do in the future, they had not determined at this time.

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

Councilman Showers read and introduced a resolution

authorizing the Mayor to enter into a Development Agreement between the City of Huntsville and RCP Merchants Walk, LLC., as follows:

(RESOLUTION NO. 14-126)

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

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

Mr. Davis stated that the Council might recall that back in 2011, the Administration had commissioned a study and a report concerning revitalizing Memorial Parkway. He stated that at this time he was bringing before the Council one of the first large projects that was the fruit of their labor for this. He continued that this was a development agreement between the City of Huntsville and RCP Merchants Walk, L.L.C., for the Shops of Merchants Walk.

Mr. Davis stated that this project was proposed to be located at the corner of Bob Wallace Avenue and Memorial Parkway, just north of the Parkway Place Mall. He continued that the slide being displayed showed the number of parcels included in the project, noting that much of the project site had been pretty much undeveloped since the 1970's.

Mr. Davis stated that the redevelopment project would include approximately 7.6 acres on Memorial Parkway for retail development. He continued that this would consist of 100,000

square feet of new retail space at the corner of Bob Wallace and Memorial Parkway. He stated that the capital investment would be approximately \$50 million and that it was estimated to create 300 new jobs.

Mr. Davis stated that the expected City revenues from the investment were as follows: Estimated building permit fee, \$158,000; estimated construction tax revenue collected during the construction, \$1.4 million, from building materials and such; estimated 25-year sales tax revenue from the development, \$58.75 million; estimated property tax revenue for that same period, \$1.4 million; and estimated business license fees collected over the same period for businesses that would locate on the site, \$1.8 million.

Mr. Davis stated that over a 25-year period, the development would generate approximately \$63.51 million in total City revenues. He continued that the investment the City would need to make in this project would give the City a 3 1/2 year return on investment just for the anchor retailer proposed for the site.

Mr. Davis stated that displayed on the screen was the proposed redevelopment site layout, noting that this would consist of a very large organic grocer and two two-story retail buildings, and the relocation of a current tenant, Regions Bank, onto the property. He reiterated that the main anchor would be a 42,000-square-foot Whole Foods.

Mr. Davis stated that he would remind the Council that

during Mayor Battle's tenure, they had held two retail summits throughout the city, and that behind Ikea, Whole Foods was the No. 1 retailer the community had asked for for the prior four years.

Mr. Davis stated that the project would have a public parking facility that would have 254 spaces and two two-story buildings, totaling just over 50,000 square feet of additional retail space. He reiterated that Regions Bank would relocate to a new facility on site.

Mr. Davis displayed some additional renderings of the proposed development.

Mr. Davis stated that the development would require the relocation of Commerce Court Drive, the construction of a two-level parking garage, and the relocation of various public utilities that were currently on site. He stated, concerning the City's involvement in this project, that its fixed cost would be capped at \$8 million. He stated that, as the Council members were very much aware, historically the City had joint-ventured in retail projects like this, such as Parkway Place Mall, the Bridge Street Towne Center, and the current Twickenham Square that was almost completed.

Mr. Davis stated, concerning the public parking garage, that the City would enter into a 25-year lease of the public parking facility, and the developer would be responsible for all costs associated with the parking garage, including all construction costs, all operational and maintenance costs,

utilities, insurance, safety, and general housekeeping of the facility, general repairs and upkeep of the facility, and would also be responsible to provide full replacement of the structure should a catastrophic event occur, such as a tornado, et cetera.

Mr. Davis stated that the City would make lease payments for the 25-year lease of the parking garage on the following terms: the first payment of \$2 million upon the issuance of a building and grading permit and the start of foundations for the parking facility and Whole Foods; the second payment upon the opening of Whole Foods and a Certificate of Occupancy being granted on the parking garage; and the third payment upon completion of the two, two-story, 54,500-square-foot buildings. He continued that the next three payments would happen on the anniversary of the Certificate of Occupancy on the remaining retail.

Mr. Davis stated that the City would provide the lease payments from the sales tax revenues generated from this development. He reiterated, concerning the 25-year parking lease on the garage, that the City's cost on this was fixed at \$8 million, noting that this was the estimated cost for the construction of the garage.

Mr. Davis stated, concerning how the City would recoup this money, that, as he had mentioned, the permitting fees would be \$158,000 initially, at the start of the development; sales tax from the construction, approximately \$1.4 million;

that the first year's sales tax revenues from the development were estimated at just over \$2 million, and that in years two and three, at full development, it would generate \$2.4 million. He stated that persons could see on the displayed screen that over the first three years, approximately \$8,378,000 would be collected, so that the payback would be three years.

Mr. Davis stated that the city benefitted from the development with the addition of a quality of life retailer, noting that Whole Foods was considered nationally as such. He stated that in working on industrial development projects with the City during the past summer, with site selectors looking to bring quality jobs to the city, that two of the projects they had worked on had had questions concerning a quality of life retailer such as Whole Foods. He stated that a retailer such as this locating in this development on the Parkway would be a catalyst for Parkway redevelopment, that this would result in other retailers looking at the area.

Mr. Davis stated that there would also be an increased tax base for this 7-acre property. He stated that, as he had shown on previous slides, the property was not currently in its highest and best use, and that they truly believed the development before the Council at this time would be of that nature. He reiterated that there would be increased revenues from the additional new retail development. He stated that, also, Huntsville would be elevated by retailers not currently in its market, that Whole Foods was a leader for other

retailers to follow, such as Macy's, Nordstrom's, The Container Store, and others that citizens had asked for.

Mr. Davis stated that the slide he was displaying at this time was showing what type of retailer Whole Foods was to a community. He continued that they were routinely named one of the Best Places to Work and that in 2013 they were named the Most Ethical Company. He stated that they put a lot back into the community, that they had a foundation called "Whole Food Kids" that worked in schools on nutrition and provided funds for this; that they had a Local Producer Loan Program, and also tried to provide local produce in their stores; that they had the "Whole Planet Foundation," which helped numerous organizations, homeless camp missions and even global food aid.

Mr. Davis stated that that concluded his remarks, but that he would be happy to answer any questions the Council members might have.

Councilman Kling stated that, as he understood it, Mr. Davis had said the proposal was that the City would put up \$8 million on this project, and that it would be recouped in approximately 3 1/2 years; and then over the entire 25-year life cycle of the parking garage, the City would realize \$56 million in new tax revenues. He asked if this was correct.

Mr. Davis replied in the affirmative.

Councilman Kling stated that there were 100,000 cars a day traveling over that section of the Parkway and stated that he hoped they would keep in mind the close proximity of the

present Walmart site to this location, noting that he believed this Walmart site could also be a good redevelopment opportunity.

Councilman Showers stated that Mayor Battle had briefed the Council members on this project, so that it was not something he was being blind sided by. He stated to Mr. Davis that he wanted to say to him what he had previously said to him and Mayor Battle, that there was another part of the city that needed this same effort, the same commitment to create development in a part of town that was missing the kind of business commitment they saw in this project at this time.

Councilman Showers stated that he strongly supported the Whole Foods project, but noted that on the north end of the Parkway they had vacant property. He stated that he felt he would be remiss if he did not say at this time that Mr. Davis and Mayor Battle had indicated they had some prospective plans for that part of town. He stated that he just wanted to let the citizens who drove by every day and saw vacant lots along this area know that they had not forgotten them.

Councilman Showers stated he hoped that in the very near future they would have some plans they could present concerning this area, with someone making the commitment to locate at the sites where there was vacant space at this time. He asked that they continue to solicit prospects for those areas in North Huntsville. He continued that they had Walmart on Sparkman Drive, which he noted was their largest grocer, where

the majority of persons who lived in the north part of the city shopped for groceries. He stated that they were certainly crying out for more opportunities such as this, as well as others, in that part of town.

Mr. Davis stated to Councilman Showers that he wanted to make it clear that Mayor Battle and himself and Michelle Jordan actively marketed all parts of the city. He continued that there were two prospective projects that he could not comment on at this time that were in that area, that they hoped would come to fruition. He reiterated that they were actively marketing all parts of the city, noting that Councilman Olshefski had the same concern in his district in South Huntsville. He stated that, as far as balance on the Parkway as far as development, they had maps of opportunity sites, and that it was starting to really make a difference, and that they felt this Whole Foods development would increase these opportunities.

President Russell inquired as to the rationale for leasing the garage rather than owning it, why the City would not be owning the garage.

Mr. Davis stated that they had debated on that and had determined that the best opportunity for the City was to lease it. He continued that they would get 100 percent control of the garage, just as if they owned it, and they would not have to expend \$8 million worth of capital immediately. He stated that another consideration was that the City would collect

property tax. He continued that the City would have no maintenance costs, that they would have a fixed cost. He stated that at this time the Council would know exactly what would be put into the project.

President Russell inquired as to the expected cost of the garage.

Mr. Davis stated that it was \$8 million.

President Russell asked Mr. Davis if it was correct that if it went out for bid, he believed it would come in at \$8 million or less.

Mr. Davis stated that it would be at least that amount.

President Russell inquired as to whether the parking would be free to citizens.

Mr. Davis stated that at this time, it would be.

President Russell asked who would make that decision.

Mr. Davis stated that the City would do so, noting that in the development agreement the City had the control over whether to charge or not charge. He stated that at this time they were anticipating it to be free because they wanted persons to come shopping so the City could collect sales tax.

President Russell asked if it was correct that in the end, the City Council would have the right to approve or not to approve that.

Mr. Davis replied in the affirmative.

President Russell stated to Mr. Joffrion that he had read some of the safeguards in the agreement and asked from whom

they were proposing to lease the garage. He asked further why the payment plan had been negotiated as it was and what the safeguards were for the City if the developer did not do what they said they were going to do.

Mr. Joffrion stated that the lease was with the developer, RPC Merchants Walk, which he noted was a limited liability company. He continued that most limited liability companies were single-asset companies that were formed for a specific project. He stated that he believed the managing partner of the entity was listed on the development agreement, noting that there were known developers behind this project.

President Russell reiterated his question concerning why the lease payments had been structured as they were, not being structured over a 25-year period. He asked further as to what the safeguards would be if the City put the \$2 million in and the parking facility would not be built.

Mr. Joffrion stated that it was structured in this manner so the developers could have capital up front to complete construction of the improvements so that the project could move forward. He stated that there was a safeguard in the agreement that if the developer did not proceed with construction by a date certain, they would have to return the \$2 million to the City of Huntsville. He stated that the initial up-front payment of \$2 million the City would make would be upon the completion of footings and foundations. He reiterated that if they did not move forward with the construction by a date

certain, they would have to return a cash payment to the City of Huntsville of the \$2 million, and the City would not make any further payments on this.

President Russell inquired as to if the developer came back and finished the project, the City would commence making payments again.

Mr. Joffrion stated that it might be that the agreement would be terminated, and it would have to be renegotiated at that point. He stated that the City did not anticipate that happening. He continued that the safeguard was that the City would get its money back.

President Russell asked either Mr. Davis or Ms. Jordan to offer proof to him and the citizens of Huntsville as to why Whole Foods was a regional draw and not just a local store.

Mr. Davis stated that he could state that in the statistics of Whole Foods, 48 percent of their sales came from outside a 7-mile radius of the store. He stated that the Administration had gone through a two-year process to bring this retailer to the city. He stated that when the representatives had met with him and Mayor Battle, they had said that at their Whole Foods location just outside of Nashville, 3 percent of their sales came from Huntsville residents. He continued that the average radius distance drive for a customer to a store was approximately 50 miles.

President Russell asked Mr. Davis if he was pretty certain that it was a regional draw.

Mr. Davis replied in the affirmative.

President Russell called for the vote on Resolution No. 14-126, and it was unanimously adopted.

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

President Russell read and introduced a resolution consenting to the vacation of Pride Street, Unnamed Street, Callagan Street and Laniers Alley, Lots 1-6 and 9-14, Lanier-Pride Subdivision of Adam Hall Addition, and Lots 11-26, 47-62, J.C. McDonald Addition (Stone Middle School), as follows:

(RESOLUTION NO. 14-127)

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

President Russell stated that when Mr. Cox had appeared before the Council, he had had some question concerning this, and asked Mr. Joffrion if he could explain this resolution.

Mr. Joffrion stated that this was a fairly routine request, noting that the owners of the property had requested the vacation of this portion of right-of-way. He continued that this had been routed through the Engineering Department, Huntsville Utilities, and that the Planning Commission had granted approval, and it had been forwarded to the Council for approval. He stated that he was not aware of any objections to it.

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

President Russell read and introduced an ordinance authorizing the vacation of Pride Street, Unnamed Street, Callagan Street, and Laniers Alley, Lots 1-6 and 9-14, Lanier-Pride, Subdivision of Adam Hall Addition, and Lots 11-26, 47-62, J.C. McDonald Addition, as follows:

(ORDINANCE NO. 14-128)

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

Mr. Joffrion stated that this was a companion item to the above resolution, that it authorized the execution of the deed conveying the right-of-way back to the owners.

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

President Russell stated that the next item on the agenda was Non-Roster Communications from the Public.

Ms. Jackie Reed again appeared before the Council, stating that her comments concerned the development that had just been passed by the Council. She stated that she just could not understand why the Council never held a work session on any of these projects so that members of the public might have some input into the matter and would know what was going on. She inquired as to the location of this property on the Parkway.

President Russell stated to Ms. Reed that they would show

her the slides concerning the location.

Ms. Reed asked if there were buildings leased on the property at this time and asked further who would buy out these leases.

Mr. Joffrion stated that it was the responsibility of the developers to obtain title control to all of the parcels of property, not the City of Huntsville.

Ms. Reed asked if anyone had conducted a traffic study on this corner, noting that she felt that was important.

President Russell stated that everything would follow the planning procedure, just like all developments in the city of Huntsville.

Ms. Reed inquired as to how much money the developer would be putting up front on this development before the City would put up \$2 million. She reiterated as to what the developers would lay on the table when they came into the city to make such a development, how much the developer would be laying on the table to match what the City would be paying.

Mr. Joffrion stated that it was \$48 million.

Ms. Reed asked if the developer would have that in cash to hand to the City.

Mr. Joffrion stated that they would not be giving it to the City.

Ms. Reed stated that that was what she was asking, what they would be laying on the table to match the \$2 million. She continued that the City would be demolishing everything and

paying for the parking garage and paying for this, that, and the other. She continued that she believed what they were saying would be half of the cost involved when it was done. She stated that she had been coming to Council meetings long enough to know that they would renegotiate the lease and keep doing things back and forth.

Ms. Reed stated that she would like some day, somehow, for the Council to educate the taxpayers on some of the developments that they reached out to get. She stated that if the developers had such big ideas, they had to have some money from somewhere. She asked if the Council would help her get a development going. She stated that this was just common sense, that a person did not have to be too smart to be able to read the books.

President Russell stated to Ms. Reed that Mr. Davis would be glad to show her the chart, showing where the property was located, and answer her questions.

Mr. Jerry Cox again appeared before the Council, stating that he would like to comment briefly about the problem with the traffic going on and off the Arsenal. He stated that he knew Councilman Olshefski and Mr. Hamilton were well aware of this situation. He stated that his community was completely bounded on the south side by the Arsenal and completely bounded on the west side by the Arsenal and completely bounded on the east and north sides by a creek, with one entrance, so that, essentially, the only way he could get home would be to come

down Patton Road. He stated that it was unbelievable to him that the Arsenal was allowing this traffic problem and the loss of productivity and morale.

Mr. Cox stated that he wanted to remind the Council that this also affected residents of the city of Huntsville, his neighborhood. He continued that if he wanted to go home between 5:30 a.m. and 9 a.m., it would take him most likely 30 minutes to get from Bob Wallace to his house. He stated further that if he needed a fire truck, an ambulance, or the police to come to his house during those hours, they would have to come down the outgoing lanes, at a reduced speed and with there being some degree of safety issue there, in order to get to his house. He reiterated that this affected not only persons working on the Arsenal but also residents in this neighborhood.

Mr. Cox stated that when the Arsenal had closed Gate 8, all the traffic was shifted to Gate 10, and that from 5:30 in the morning until 9:00 or 9:30, the traffic was crawling from Gate 10, just outside his house, to essentially the interstate, at times, but definitely to Bob Wallace Avenue. He stated that there was a problem with this, and that he certainly hoped the current Arsenal Mayor recognized this. He stated that the City had always been a good neighbor to the Arsenal, and that he was not really making a complaint about this, but he just wanted the Council to be aware that this was an issue.

President Russell stated that Col. Marks had actually

grown up in Huntsville, and that he had talked to him about this situation, and he was well aware of the safety issues it was causing outside the gate.

Councilman Kling stated that he believed the Arsenal had actually turned down assistance that had been offered by the City for police officers, and that he had heard later that Sen. Sessions had gotten something worked out, perhaps in conjunction with the City and the Arsenal, to get some extra personnel and get the gates open. He asked if it was correct that that was supposed to take effect.

Mr. Hamilton stated that the decisions that were made relative to the gates were not decisions actually made at the Arsenal level. He stated that their security guard force had been cut as a result of mandates spread across the entire Army, so that all the Installation Management Command, the higher headquarters for the garrisons around the world, had been taking personnel cuts. He continued that these were mandated cuts, noting that, if one had seen some of the blogs, it was not a money issue, that it was actually a personnel authorization issue. He stated that, specifically, the security guard force was impacted probably disproportionately, as compared to other career fields within that command. He reiterated that the cuts had occurred at their higher headquarters, and it was something the Arsenal had been fighting for quite some time, that it dated back before Col. Marks, that it was something that had been going on for

awhile.

Mr. Hamilton stated that, of the elected officials, Congressman Brooks had been the first to engage reactively on this matter, and that the Mayor's office had also been engaged in this. He stated that he had personally spent time on the phone with Sen. Sessions' office, making sure they understood the nature of the issue.

Mr. Hamilton stated that it had been announced that they were getting additional hiring authorization. He continued that at this time the present guards were doing a lot of overtime in order to get the gates to where they were at this time.

Mr. Hamilton stated to Councilman Kling that the Arsenal did not so much refuse the City's assistance, that the issue was jurisdictional. He continued that the City's police officers could not go on a Federal installation and conduct law enforcement activities, just as the Arsenal's could not come off the Arsenal and do so off the installation. He stated that it would be nice if there was an easy solution such as sharing resources like that, and that it would certainly make sense, but that it was not quite as simple as they would like it to be.

Mr. Hamilton stated that they were working through this, and he believed this situation would get better. He stated to Mr. Cox that they absolutely understood the impact to the traffic all around the Arsenal, and that, as necessary, they

would put the Huntsville police out to assist with the traffic, noting that, however, this would not make the cars go away, that it would really just be monitoring the traffic so they could understand exactly how Mr. Cox's neighborhood was impacted.

Mr. Hamilton stated that by reopening Gate 8 recently, they felt it had actually helped, although it was difficult to tell because of the weather situation. He stated that in the following week, when the weather would be good, he believed that Mr. Cox would see that it would be better than it was when Gate 8 was closed.

President Russell asked if there was anyone else who would like to address the Council.

There was no response.

Upon motion, duly seconded, it was voted to adjourn.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER