

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, FEBRUARY 25, 2016

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, February 25, 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
City Clerk-Treasurer:	Benion

President Culver called the meeting to order.

Rev. Dale Clem led the invocation; Councilwoman Robinson led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on February 11, 2016, were approved as submitted.

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

President Culver recognized Mayor Battle.

Mayor Battle asked Chief McMurray of the Huntsville Police Department to come forward, along with some of his staff.

Mayor Battle stated that there were some awards to be presented and asked Chief McMurray to make the presentations.

Chief McMurray introduced Chief Deputy Kirk Giles and Chief Deputy Corey Harris.

Chief McMurray stated that the prior year Representative Howard Sanderford had recommended two of the Department's officers for a State Legislative Medal of Honor. He continued that normally only one officer per year was recognized for this honor in the entire state of Alabama. He asked the two officers, Officer Reynard Robinson and Officer Jason Moore to come forward, noting that they had been in a gun fight on Stanford Drive.

Chief McMurray introduced the officers. He stated that as the officers had approached the house on Stanford Drive, Officer Moore had been shot in the face by a shotgun, noting that this had almost rendered him blind, and that at this time he still had many pellets remaining in his body and would have to undergo additional surgeries. He stated that after he was injured, Officer Moore had continued to fight through and exchange gunfire, to the point where he ran out of bullets for his rifle. He stated that Officer Robinson had taken a position behind a tree, and they had kept the suspect pinned down, to where they could finally get Officer Moore to the hospital for treatment, and that additional officers had come in and concluded the situation a couple of hours into it.

Chief McMurray stated that Representative Sanderford had wanted to be present at this time but was unable to attend.

Chief McMurray recognized the families of

Officer Moore and Officer Robinson. He stated that he had the medals to present at this time, noting that one of them was to wear on the uniform and one was for presentation. He stated that this was a very distinguished award and stated that the Police Department was very proud to have these two officers, because of their bravery and what they had done on the street.

Chief McMurray made the presentation to the officers, stating that these were 2015 Alabama Legislative Medals of Honor for Law Enforcement. He stated that this was a distinction for both courage and bravery in the line of fire. He stated that there had been many officers who had done great deeds over the prior year who had been recommended for this award.

Chief McMurray thanked Officer Moore and Officer Robinson for their outstanding service, stating that it was his pleasure and his honor to present these medals at this time.

Mayor Battle thanked Officer Moore and Officer Robinson for their outstanding actions.

Mayor Battle stated that there would be a presentation at this time by Mr. Harrison Diamond, Business Relations Officer, noting that he had been working with Huntsville Utilities in bringing fiber to the home. He continued that they had a group that was going to help them in this endeavor, being Google Fiber. He stated that Mr. Diamond had been the lead for the City on this, and that Huntsville Utilities had done great work on it. He stated that the Council had passed some

legislation earlier that had allowed them to get set up to do this. He stated that on the prior Monday, they had made the announcement concerning this.

Mayor Battle recognized Mr. Diamond.

Mr. Diamond stated that if one followed all the media posts, they would most likely understand what they had been able to accomplish as a community. He stated that before he went into the details, he would like to explain why the Gig City initiative was so important.

Mr. Diamond stated he would like to present some facts that he felt were quite fascinating concerning the way things were going.

Mr. Diamond stated that only 12 percent of the Fortune 500 companies in 1955 were still on the list at this time. He continued that large industrials had been replaced by a lot of knowledge-based companies. He stated that within the upcoming two years, approximately 50 billion connected devices would be in existence, with there being only approximately 6 billion at this time. He stated that, also, the Internet of Things, which he noted was basically machines talking to one another, as well as automation, would displace approximately 5 million jobs globally. He continued that this meant that communities that planned to be successful would need to understand this technology and be real leaders in it.

Mr. Diamond stated that it had taken 75 years for the telephone to reach 50 billion users, but it had taken the

app Angry Birds just 35 days. He stated that one should think about the leap this had taken. He stated that, also, relating to the workforce, the office of today was anywhere.

Mr. Diamond stated that all the things he had mentioned were related to the Gig and how ultra high-speed internet could actually be harnessed.

Mr. Diamond stated that one's question might be "Why the Gig City?" He stated that Huntsville marketed itself as a smart place, a smart place to operate a business and a smart place to live, but if they were going to be a smart place, they had to have that smart infrastructure, noting that this was what the Gig allowed.

Mr. Diamond stated that, from an infrastructure standpoint, they also had the need to be more resilient and better connected so that they could respond to outages in a much quicker way. He stated that the Gig would also allow them to maintain a strategic advantage in global, regional, and national competition over top talent and leading companies. He stated that companies and persons who would come to work at these companies had come to expect that there would be a highly reliable, highly affordable high-speed internet, and that, more importantly, current citizens and existing businesses had demanded this.

Mr. Diamond stated that at this time he would like to provide some background on this. He stated that fiber in Huntsville was really nothing new, that they had been putting

fiber in the ground for more than 16 years, that Huntsville Utilities had been doing it and Water Pollution Control had been doing it. He stated that it was having the fiber, but that, really, it was the spirit of using the Gig to really change the community.

Mr. Diamond stated that this had all started in 2010, noting that persons might recall when Google had announced that they were seeking to have "Google Cities." He stated that Huntsville had competed for this, that Peyton McNully, who had spoken at the announcement concerning this earlier in the week, had led this effort, along with some persons in the ITS Department and a number of other community leaders.

Mr. Diamond stated that if the question were asked if they were ready, that most likely they were not at that time. He stated that, also, they had not wanted to change their name from "Huntsville" to "Google City." He stated that that was most likely the real reason. He stated that Kansas City had changed their name to "Google City," and that eventually they had gotten this.

Mr. Diamond stated that, however, this had started them thinking, and that was very important. He stated that in 2013, discussions had begun to happen. He stated that Mayor Battle had a group of advisory councils, one of which was his economic development team. He continued that they had been talking about the need for high-speed internet, to be able to move data, to be able to have workers that could be at home but yet

still be in the office, because of telecommuting.

Mr. Diamond stated that the question was what the City could do and what the community could do concerning this. He stated that he had started talking to Huntsville Utilities about thinking about this concept, noting that up until this time, he had never really thought about it. He continued that this had all begun to change.

Mr. Diamond stated that in 2014, Mayor Battle had announced in his "State of the City" address that Huntsville was seeking to become a Gig City. He stated that a couple of months later, at the beginning of the prior year, they had issued their RFI. He stated that he thought the RFI process had gone very well, noting that they had received 13 different Requests for Information back from companies that had all sorts of different models. He continued that this had kind of validated a lot of their thoughts that they could have a public-private partnership model that they believed could work for Huntsville.

Mr. Diamond stated that a lot of persons had wanted them to consider the Chattanooga model. He continued that they really did not believe it was the public sector's place to be the cable company, but they believed they had found the model that worked for them.

Mr. Diamond stated that everyone wanted to talk about plans, but that they did want to see results. He stated that he was proud to say that Huntsville was now a Gig City USA.

Mr. Diamond stated, concerning how the network would work, that Huntsville Utilities, which he noted had been putting fiber in the ground for 16 years, would build a ring around the community, which he noted would allow a company to lease dark fiber. He thanked the Council for its efforts in passing legislation concerning this over the past couple of weeks, noting that they had set the ability to be able to build this infrastructure and also to lease the dark fiber. He continued that that was very important in order for this deal to work.

Mr. Diamond stated that one question might be what Google Fiber would be bringing. He stated that it would be bringing its television service as well as its internet service. He continued that it would be the first company to enter into the lease arrangement that the Council had allowed to happen by being able to set lease rates. He stated that the coverage area would be within the city limits of Huntsville, within the Huntsville Utilities service area, and that they could expect the first customers to be served by mid 2017.

Mr. Diamond stated that what they had at this time was a robust broadband ecosystem. He stated that they now had competition, and they believed that when companies competed, the true winner would be the consumer.

Mr. Diamond thanked the Council for their support of this project.

Mayor Battle stated that Mr. Diamond had done yeoman's work in putting this together from the City's side, and that

the team from Huntsville Utilities had also done a great job to make this a reality. He stated that these persons were owed a debt of gratitude for this.

President Culver thanked the Mayor for the presentation, stating that he and his Administration had done an impeccable job with this, and that he was excited about it. He continued that he was still trying to wrap his brain around how quickly things would pop up, with no buffering and all the other obstacles.

Mayor Battle welcomed Chief Cobb, the Fire Chief in Madison, and Jeff Birdwell to the meeting. He stated that the Emergency Management Board had selected Mr. Birdwell to be the next Director of the Huntsville-Madison County Emergency Management Agency. He stated that the Council members had his resume in front of them, and he had just wanted them to be able to see him.

Mayor Battle stated that Ms. Brandi Quick was present at the meeting, noting that she was the new Executive Director of Ditto Landing. He congratulated her, stating that they were going to miss her at the VBC.

Councilman Kling read and introduced a resolution honoring Joe Ritch on his achievements and Chairmanship of the Tennessee Valley Authority Board of Directors, as follows:

(RESOLUTION NO. 16-137)

Councilman Kling 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.

President Culver recognized Councilman Kling.

Councilman Kling presented the above resolution to Mr. Joe Ritch, stating that it was a privilege for him to be able to make this presentation. He stated that Mr. Ritch had done something outstanding as far as achievements in the community, that he had been re-elected as Chairman of the Tennessee Valley Authority Board of Directors.

Councilman Kling stated that Mr. Ritch had done many things in the community, that he had volunteered hundreds of hours toward the BRAC efforts, that he had been involved very much with the Chamber of Commerce, that he had been involved in helping to make the community a better place in so many ways.

Councilman Kling expressed appreciation to Mr. Ritch for his many services to the community and congratulated him for being re-elected as Chairman of the Tennessee Valley Authority Board of Directors.

Mr. Ritch expressed appreciation for the recognition. He stated that he looked forward to helping build Huntsville, North Alabama, and the Tennessee Valley together. He stated that approximately a year prior, they had announced in the

Scottsboro/Jackson County area an enormous event, and that what Huntsville was doing with Google Fiber was equally important.

President Culver stated that the next resolutions on the agenda were for adoption only.

Councilwoman Robinson read and introduced a resolution congratulating Mountain Gap School on its 50th Anniversary Celebration, to be held at Mountain Gap School on February 28, 2016, as follows:

(RESOLUTION NO. 16-138)

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

Councilwoman Robinson stated that this 50th anniversary celebration would be held on the following Saturday, and that, unfortunately, she would be out of the city. She stated that she would be honored to have the resolution read at this event, honoring the great work that had been done by so many teachers and administrators, as well as the parents, at the school. She stated that she wished them the best.

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

President Culver read and introduced a resolution congratulating Elder Oscar L. Montgomery, Sr., on his 39th Pastoral Anniversary, to be held at Union Hill Primitive Baptist Church on February 28, 2016, as follows:

(RESOLUTION NO. 16-139)

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

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

President Culver recognized Councilman Showers.

Councilman Showers stated that he would be presenting the resolution at the event to be held at the Union Hill Primitive Baptist Church.

Councilman Showers read and introduced a resolution congratulating Superintendent Anthony E. Wheeler on being installed as District Superintendent of "The Legacy District," with a celebration to be held at The Westin Huntsville on February 27, 2016, as follows:

(RESOLUTION NO. 16-140)

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.

President Culver recognized Councilman Showers.

Councilman Showers stated that on behalf of the Mayor and the Council, he would present the resolution at the event at

The Westin Huntsville.

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

President Culver stated that items 15.j and 15.k had been deleted from the agenda. He stated that, also, there were two items on the agenda that would be for unanimous consent, being items 15.e and 15.cc. He stated that item 15.e was an ordinance declaring certain property surplus, to be donated to the Huntsville-Madison County Marina and Port Authority, and that item 15.cc was an ordinance declaring a portion of the first floor of the Clinton Street Parking Garage surplus property, to be leased to Clinton Row Partners, LLC, for the purpose of retail development. He stated that these items would be taken up at the appropriate time on the agenda.

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 Ordinance No. 16-011, zoning newly annexed property lying east of U.S. Highway 431 South and on the west side of Goose Ridge Drive as Residence 1-A District, which hearing was set at the January 14, 2016, Regular Council Meeting.

President Culver recognized Ms. Ashley Nichols of the Planning Division.

Ms. Nichols stated that this property was approximately 14.39 acres and was located east of U.S. Highway 431 South and

on the west side of Goose Ridge Drive. She stated that this was newly annexed property, having been annexed in the prior December. She stated that the property owner was requesting a proposed rezoning to Residence 1-A District, which she noted was consistent with the existing subdivision. She stated that this was currently a part of the Hampton Meadows at Hampton Cove Subdivision, and that it would be an approximate 3-lot addition to an existing phase that was being developed.

President Culver asked if there was anyone 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 Russell moved for approval of Ordinance No. 16-011, zoning newly annexed property lying east of U.S. Highway 431 South and on the west side of Goose Ridge Drive as Residence 1-A District, which ordinance was introduced at the January 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-011)

Said motion was duly seconded by Councilman Showers.

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 Public hearings to Be Set.

Councilman Russell read and introduced a resolution to declare a public nuisance located at 3212 Yale Circle and to set a public hearing when objections would be heard, at the March 10, 2016, Regular Council Meeting, as follows:

(RESOLUTION NO. 16-142)

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

President Culver recognized Ms. Michelle Jordan of Community Development.

Ms. Jordan stated that in her role as Community Development Director for the City of Huntsville, she had declared 3212 Yale Circle, NW, a public nuisance on February 3, 2016, due to the current condition of the property. She stated that as one could see on the photos being displayed, the property had sustained a fire that had caused the structure to be damaged beyond feasible repair.

Ms. Jordan requested that the Council set a public hearing on this matter on March 10, 2016, so that all property owners having any objections to the proposed removal of this public nuisance would have an opportunity to be heard by the Huntsville City Council. She stated that this request was a requirement of State of Alabama Act 13-20 She stated that they would notify all property owners of this public hearing, by

both regular and certified mail.

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

President Culver recognized Councilman Showers.

Councilman Showers asked Ms. Jordan if the owner of the subject property had been contacted.

Ms. Jordan replied in the affirmative.

President Culver asked if there was any further discussion.

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 setting a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as Amended, on a resolution authorizing the issuance of Multifamily Housing Revenue Bonds for Westlake Apartments, at the March 10, 2016, Regular Council Meeting, as follows:

(RESOLUTION NO. 16-143)

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.

There was no response.

President Culver called for the vote on the above

resolution, and it was unanimously adopted.

Councilman Showers read and introduced Resolution No. 16-144, authorizing the issuance of Multifamily Housing Revenue Bonds for Westlake Apartments.

President Culver stated that the next item on the agenda was Communications from the Public. He stated that persons who wished to speak should go to the microphone, and they would have three minutes to address the Council. He asked that they state their name and address for the record.

Mr. Richard Best, 1706 Ward Avenue, appeared before the Council, stating that primarily he had come to the meeting in order to inquire about the Google situation, but that as it was presented, he had gotten the information he had been seeking.

Mr. Best stated that, however, he would like to inquire about a few other things. He asked if there was any resolution concerning the Gate 9 entryway, noting that that corridor was not going very well. He stated that he had heard some solutions to this, with one of them being to put in a tramway similar to the one at Huntsville Hospital. He stated that there could be a location outside the Arsenal for persons to leave their cars, and then they could take the tram.

Mr. Best stated that he had been looking into what Mr. Richard Kramer had done and the ideas he had had, such as using the TVA easements.

Mr. Best stated that he wanted the Council to know that he was aware of a lot of different things that could be done.

Mr. Best stated that Mr. Ed Mitchell had had a proposal for the airport.

Mr. Best stated that he hoped the Council members realized all the wonderful things that Mr. Tom Cunningham had done on Jordan Lane, noting that it was going to be beautiful.

Mr. Best stated that a lot of things had been done in the city for the good, and that a lot of things took a long time.

President Culver stated to Mr. Best that the Council certainly appreciated his ideas and recommendations.

President Culver stated that they were fortunate to have Mr. Ritch present at the meeting. He asked Mr. Ritch if he would go to the microphone and perhaps address some of the solutions Mr. Best had brought to their attention, regarding the Gate 9 entryway, perhaps sharing what the Federal Government was planning to do concerning this, and perhaps including discussion concerning TVA easements. He stated that the Council certainly appreciated what Mr. Mitchell had proposed for the airport.

Mr. Ritch stated that there had been a serious effort, involving many governments, including the State of Alabama, North Alabama, and South Central Tennessee, and that it appeared as if they were on a pathway to begin very quickly moving Gate 9 back approximately three-quarters of a mile, and widening it so that it would open up some of the transportation routes. He stated that he was aware that the City of Huntsville was also working on some things along I-565. He

continued that they believed the problem would be resolved by this.

Mr. Ritch stated that he would turn the floor over to John Hamilton, whom he noted knew a lot about this project and could perhaps fill in some of the gaps.

Mr. Ritch stated that regarding the TVA easements, he would have to defer on that.

President Culver recognized Mr. Hamilton.

Mr. Hamilton stated that the relocation of the gate structure on Rideout Road, Gate 9, had been contemplated ever since the Enhanced Use Lease, the Redstone Gateway project, was first conceived and put under contract with the City, the Arsenal, and the private developer. He stated that this moved the gate structure south between 1/4 of a mile and 1/2 of a mile and that it also ensured that that entire segment of Rideout Road was a full six lanes wide. He stated that this was the same number of lanes the gate currently had, but that it provided much more queuing space, so that it should be able to get even the peak traffic off the interstate and onto Rideout Road and through the gate without backing up onto the ramps, et cetera. He stated that this was a coalition of private and public partners that were coming together to make this work. He stated that they were hopeful that this would be started within the next year, in order to alleviate the challenges that existed at that location.

Mr. Hamilton stated that, as Mr. Ritch had said, there was

also other work that was going on between the City and the State, looking at some of the areas that were on I-565, to determine if there were additional exits that potentially could help with getting persons into Redstone Gateway. He continued that perhaps they could also determine some portions of the interchange on I-565 that would help with the Research Park/I-565 interchange.

Mr. Ritch stated that he would like to mention that persons might recall that a couple of weeks prior, the Poarch Band of Creek Indians out of Atmore, Alabama, had donated \$1 million to this project. He stated that it was somewhat unique that they would be involved, but that they very much believed that North Alabama had a lot of future for them, not in the casino world but in jobs and other opportunities, so they had joined in to help make this road possible.

Ms. Pam Milam, 315 Old Big Cove Road, Brownsboro, Alabama, appeared before the Council, stating that she was the owner of Big Spring Cafe at 2906 Governors Drive. She stated that Big Spring Cafe, according to the reports at the Public Library, had been in business in Huntsville since 1922. She continued that this business had been in her immediate family since 1947.

Ms. Milam stated that she and her husband had purchased property at 3507 Governors Drive eight years prior, in order to build a new building for this business. She stated that they had gotten worried about the economy and had not pursued this for a while, but they had decided it was time to build or leave

the business. She stated that with all their dedicated customers, they had decided to go ahead with the building. She stated that they had revised the plans, which had taken a while because in the eight years, the parking situation and the seating capacity had changed. She stated that the plans had been updated and revised.

Ms. Milam stated that they were told that they had to put in a deceleration lane, which they had agreed to. She stated that the permit from ALDOT for the deceleration lane alone had been \$23,000. She stated that they had allowed them to do a bond, which they had done. She stated that everything was ready, that the bond had been sent to the State of Alabama, and that this was a 27-foot deceleration lane.

Ms. Milam stated that she and her husband had gone to get their loan through Independent Bank in Huntsville, and they were ready to go, but ALDOT had decided that they were going to shrink the deceleration lane from 27 feet to 16 feet and would not allow them to exit onto Governors Drive.

Ms. Milam stated that they were asking the City of Huntsville for help in any way with this. She stated that she had been told that West Huntsville was going to be brought up and remodeled and stated that she definitely was all for this area growing. She continued that she lived in the county but her business was in the city. She stated that she felt that from the interstate, when one exited onto Governors Drive when going to Huntsville Hospital, this area needed to be renovated,

that they needed to do something about it.

Ms. Milam asked if hers was the only business from the exit at I-565 to California Street that would not be able to exit onto Governors Drive.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had spoken with Ms. Milam about this situation and stated that one could say that he had done a lot of inspections at that location, eating her hamburgers, over the years. He stated that he was familiar with her situation and the construction plans she had been discussing. He stated that Ms. Milam had not mentioned it, but he believed Big Spring Cafe was the longest, continuous serving restaurant in the city of Huntsville, noting that it was historically significant and special. He stated that they had been discussing some great things that were starting to take place along Governors Drive out west, the Stone Middle School development that was taking place, and what Ms. Milam had been discussing, investing in a new building.

Councilman Kling stated that he had explained to Ms. Milam that the City was separate from the Alabama Department of Transportation. He continued that, however, they did have persons who had close contact with ALDOT. He stated that it had appeared that the Milams had had things worked out, that they had had a commitment, and then ALDOT had changed on this commitment. He stated that this certainly sounded familiar with what the Council had heard in the past.

Councilman Kling asked if perhaps Mr. Shane Davis could meet with Ms. Milam, noting that Mr. Davis had good lines of communication. He stated to Mr. Davis that he was not aware if there was anything he could address concerning this matter at this time, but perhaps he could look into the matter. He stated that it appeared that this business was being penalized, compared to older businesses in the area which were kind of being grandfathered in. He stated that perhaps something could be worked out on this.

Mr. Davis stated that he would meet with Ms. Milam.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she would first like to talk about the Big Spring Cafe. She stated that in the many years she had been coming to Council meetings, she had seen them help all the big developers and stated that she was certainly hoping they would get with the State and help Ms. Milam work out this situation. She stated that the small businesses in the city needed help.

Ms. Reed stated that attention needed to be given to the railroad track on Holmes Avenue, that it was very bumpy.

Ms. Reed congratulated Mr. Joe Ritch for being nominated again as Chairman of the Tennessee Valley Authority Board of Directors, noting that she believed he was doing a great job.

Ms. Reed stated that Sci-Quest was out of business and that she was ashamed of all of them, as well as the Madison City Council. She stated that the City would not give

them any money because they had moved to Madison, and that was a shame. She stated that it was one of the best educational projects they had in the area. She stated that she just could not understand why they had done this. She continued that she saw them give a lot of people money that they should not give money to, in her opinion.

Ms. Reed stated that her big issues at this time were about the downtown area. She stated that she had attended a Planning Commission meeting recently and that she was shocked to learn that they had someone trying to turn a City parking garage into retail space, noting that this was the parking garage at the corner of Clinton and Jefferson. She stated that there were three items concerning this on the agenda for this meeting. She stated that when this had been brought up before the Planning Commission, it was to lease this property for 40 years. She continued that they wanted to take the bottom floor of the parking garage, the way she understood it, and turn it into retail space. She stated that they were going to declare this property surplus and lease it to someone. She continued that lawyers had called her concerning this. She stated that there was no place to park when going to the courthouse. She continued that the bank across from the Courthouse had other businesses in it, and that they used that parking garage, that they had been promised it.

Ms. Reed asked why they would take a City parking garage, owned by the people, not the elected officials, and turn it

into retail. She stated that she understood that this lease would be for \$14,000 per year. She continued that she was opposed to this, that she believed it was wrong. She stated that they were giving the city away and they should quit it. She stated that there were a lot of empty buildings downtown, and they should send these persons somewhere else, that this parking garage downtown was needed. She asked why they kept giving the city away.

Ms. Reed stated that she had heard this deal had been made from the Administrative office, noting that the Planning Department had told her that they did not have anything to do with it, that it came from the Administration. She asked when they made these deals. She stated that these items came up on the agenda, and no one knew anything about them. She continued that this bothered her, noting that she would like to know more about government because she could not see how this worked. She reiterated that she was against turning this parking garage into retail space. She stated that there was going to be plenty of retail and hotel/motel space where the Holiday Inn had been, if they ever got it completed.

President Culver stated to Ms. Reed that they would hold the items she had mentioned, 15.cc, 15.dd, and 15.ee, when they got to that point on the agenda and discuss them at that time.

Mr. Gregory Aweau, 2721 Thornton Circle, appeared before the Council, stating that he had been walking around his neighborhood earlier in the day and a truck had pulled up to

the house that was next door to his, and he had asked them what they were doing, and they had told him they were going to bulldoze that house. He asked if the person doing this would have to give any notice to the neighbors or if they had to have a permit to demolish a house.

Mr. Aweau stated that he just wanted to know about this, noting that contractors were coming into the area and tearing down these houses and not notifying anyone. He stated that a lot of the houses in the area had been built in the 1940s, and they had asbestos shingles. He stated that it was a concern when one had kids next door to a house that was being torn down that the dust off these asbestos shingles was going to float through the air. He stated that there had been two houses on his street that were demolished, and they had not been aware they were going to be demolished until a bulldozer was out there tearing them down, that they had not gotten any letter or anything such as that.

Mr. Aweau stated that his second concern was that on the corner of Pansy Street and Thornton Circle, there had been a leak at a fire hydrant a month prior, and that he had called Utilities, and they had come out and worked on it. He stated that the water had been going into what he believed was a storm drain, that it was not going into the sewer. He stated that Utilities had fixed that, and then two days later, it was leaking, and that at this time it had been leaking for an entire month.

President Culver recognized Councilman Kling.

Councilman Kling asked if there was anyone from Inspection or if Danny Shea from Natural Resources was present, so that they could address this matter. He stated that this was an older neighborhood, and that that was a pretty bad issue concerning the shingles and asbestos.

President Culver stated that the questions had been if a person was supposed to give warning or have a permit to demolish a house.

Mr. Randy Cunningham, Director of the Inspection Department, appeared at the microphone. He stated that a person did not have to give notification to demolish a house, that one only had to give notification if there was going to be a variance that would be required to put a house back on the property. He stated that they did have to have a permit, and that in most cases if it was a residence that was going to be removed and a residence put back in its place, Natural Resources would not typically get involved.

Councilman Kling stated that he was concerned about this, noting that in the past, in the Mayfair neighborhood, they had had issues with asbestos and shingles, et cetera. He asked what protection there would be for adjacent property owners.

Mr. Cunningham stated that he would defer to Mr. Danny Shea, Director of Natural Resources, on this.

Mr. Shea appeared at the microphone, stating that the requirements for asbestos under Federal law did not apply to

single-family residential, but that there were general air pollution control requirements, regarding dust suppression, that they could enforce under any circumstance. He stated that although persons did not have to go through the same process as if it were an institutional, industrial, or commercial building, if there was a dust problem during demolition, persons should contact their office, and an inspector would then go out and require dust suppression.

Councilman Kling asked if Mr. Shea could meet with Mr. Aweau to discuss this matter and provide him some contact information. He stated that in that neighborhood, he was aware they had had things in the past related to what had been discussed.

Mr. Shea stated that most likely the circumstance Councilman Kling was recalling was concerning a couple of duplexes that were jointly owned. He continued that if there were four or more units, it would become subject to all the Federal requirements.

Councilman Kling stated that there had been a problem in the past with demolition taking place on weekends, when people were not aware of it and did not really have a way to reach the appropriate departments. He stated that he believed if Mr. Shea could just make contact with Mr. Aweau, it would be helpful.

Mr. Shea stated that he would do so.

President Culver stated that the second part of

Mr. Aweau's inquiry concerned a leak at the fire hydrant at Pansy Street and Thornton Circle. He asked if Mr. Gehrdes from Huntsville Utilities could address this. He continued that Mr. Gehrdes might want to check into this and get back with them on it. He stated that Mr. Aweau had stated that it had been repaired but had then started leaking a few days later and had been leaking at this time for approximately two months.

Mr. Gehrdes stated that Huntsville Utilities had been doing quite a bit of work in that part of town, and that he would make sure they had a crew go out and take a look at it. He thanked Mr. Aweau for letting them know about this.

President Culver stated that there would be a work session of the Council on March 3 at 5 p.m., noting that there were several items to be discussed, including traffic flow. He stated that if any of the Council members had anything they would like to add to this work session, they should let him know.

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

Councilwoman Robinson read and introduced a resolution appointing Emily Donaldson to the Educational Building Authority Of the City of Huntsville-Westminster, for a term to expire November 9, 2021, as follows:

(RESOLUTION NO. 16-145)

Councilwoman Robinson 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.

President Culver asked if there were any Board appointment 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. 16-146)

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.

There was no response.

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

President Culver inquired of Councilman Showers if there was a Finance Committee Report at this time.

Councilman Showers replied in the negative.

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

President Culver recognized Mayor Battle.

Mayor Battle announced the following reappointments:

Martin Sisson to the Board of Zoning Adjustment, for a 3-year term to expire March 9, 2019.

Aladin Beshir to the Human Relations Commission, for a 4-year term to expire March 12, 2020.

Mayor Battle stated that, as he was sure persons were aware, this was "pothole season." He stated that when winter came, and rains came and got down into the cracks, and there would be freezing weather, there would be potholes. He stated that they were filling approximately 1500 potholes per week at this time. He continued that they would do repaving in the summer, when the weather was good. He stated that he believed they had a repaving list that was to be released within the next couple of weeks. He asked that persons use Huntsville Connect in regard to the pothole situation, that if they saw a pothole they believed needed to be refilled, they could take a photo of it, and that this would give them the GPS location, and the work order would be sent to Public Works, and they would come out and fill the pothole. He stated that one of the reasons they had put together this type of system was so everyone could help on this and make sure they were aware of these potholes.

Mayor Battle thanked the Council for their assistance with the Google Fiber effort that had just been completed. He stated that without the Council's help as they worked through

this, they would have not had the precursors in place so they could go ahead and put this together. He stated that they had been great partners in making this happen, and that he believed the end result was that they had made the city a little better.

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 would like to remind the public who used Meridian Street, going north or south, that on the 29th, they would be putting in some infrastructure items in that location and encouraged persons to be patient and to be careful as they went through that particular stretch on Meridian Street. He stated that they would be working on this from 8:30 a.m. to approximately 2:30 p.m. until the project was completed.

Councilman Showers stated that persons should mark their calendars for March 8, noting that there would be another Johnson High School Concerned Citizens/BIG Picture meeting. He stated that this was a workshop to give citizens who lived in and around Johnson High School an opportunity to submit their ideas about what they would like to see when this building would be vacated.

Councilman Showers stated that U.S. Representative Sheila Jackson Lee had been in the city, and that she was honored by Oakwood University on their Black History program.

Councilman Showers stated that the prior Saturday, he had

attended the annual ADC Breakfast, noting that this was a breakfast where all the politicians who were running for office had a chance to be recognized or to make comments.

Councilman Showers stated that he had also attended the annual Debutante Ball at the VBC, and it had been a tremendous event.

Councilman Showers stated that he had attended a Town Meeting of Leadership Huntsville/Madison County concerning the state of the two-year colleges in Alabama. He stated that this had been for persons who were concerned about the two-year colleges in the state, to provide them an opportunity to make comments and ask questions. He stated that the panel had been very unique. He stated that most persons were aware that across the state, they were looking at merging the two-year community colleges. He stated that in Huntsville, they were tremendously in need of their two-year schools, Drake Community College and Calhoun College, to continue to produce the type of workers they would be looking for, workers with a background in workforce development. He stated that this had been a very informative meeting.

President Culver recognized Councilman Russell.

Councilman Russell stated that he would waive his time.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that the prior week she, Mayor Battle, Mr. Hamilton, Councilman Showers, and President Culver had had the opportunity to address the Mayor's

Leadership Class. She commended Mayor Battle for putting together this training program for the staff, noting that it was a wonderful opportunity for them to get to know each other, to get to know the City, and to work more effectively and more collaboratively with each other. She stated that it was an impressive training opportunity, and that she believed it spoke well of the city and the leadership they were trying to develop.

Councilwoman Robinson stated that she had also had the opportunity to attend the Chaffee Neighborhood Civic Association meeting the prior week, where Col. Bill Marks had spoken. She stated that she had heard Col. Marks do this presentation several times, but that each time she learned something. She stated that this time she had come away impressed that the Arsenal had a \$2.9 billion impact on the city's economy each year, noting that this was incredible.

Councilwoman Robinson stated that she had also been spending some time at Grissom High School, that she and Commissioner Riddick had had the opportunity on the prior Monday to spend time with Ms. Becky Balentine, the principal, to learn about the great things that Grissom was accomplishing. She continued that they had three Presidential Scholars in the current year. She stated that they had also attended the unveiling of their robot for the robotics competition. She continued that only half of the robotics team were present because they were at the Cyber Patriot Competition. She stated

that there were many wonderful things going on at Grissom, and that she believed they were going to see some more terrific things coming from there.

Councilwoman Robinson stated that she also wanted to recognize Ms. Brandi Quick, the new Executive Director at Ditto Landing. She stated that they had already had some conversations about some really great things that were going to be happening there, and that there would be a press conference on March 2 at 2 p.m., where they would be able to hear more about this.

Councilwoman Robinson stated that the second edition of her newsletter would be coming out on the following day.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had a couple of neighborhood concerns he would like to pass on and have looked into.

Councilman Kling stated that the McThornmor Acres neighborhood had certainly been very active, and they were really getting involved in things. He stated that the Council members might recall the discussion they had had during the prior Council meeting about this neighborhood's process in getting a petition for inclusion in the National Register of Historic Places.

Councilman Kling stated that they had a great neighborhood association and had a good turnout at their meetings. He stated that one of the things that had come up was that they

had identified approximately eight or nine areas in the neighborhood that were kind of dark, where they would like to have street lights added, for crime prevention purposes. He stated that he had seen some of these areas, and they were dark at night. He stated that this would be a good investment and asked if Mr. Davis would have the appropriate person look into this matter.

Councilman Kling stated that there had also been a request for a single street light to be installed at the corner of Hastings Road and Treemont Street, noting that this was another dark area. He asked if this could be looked into.

Councilman Kling stated that he would like to pass on a very good comment he had received from one of the officers of the Fleming/Westbury Civic Association. He stated that the association had contacted them concerning a request for street sweeping, and that this request had been relayed to Mr. Chris McNeese in Public Works, and that persons had been out there very quickly covering the entire area that had been requested. He stated that the Fleming/Westbury citizens had wanted him to pass on to Public Works that they appreciated the great job they did and their quick response.

President Culver stated that there had been a student from Calhoun College who had been present to witness the Council meeting, noting that he just wanted her teachers to know that she had been present at the meeting.

President Culver stated that he would like to take this

opportunity to recognize Mr. Chip Cherry, the CEO of the Huntsville/Madison County Chamber of Commerce. He congratulated Mr. Cherry on a very impeccable meeting at lunchtime. He continued that he was very happy with what was going on with the Chamber, that they were doing exceedingly well.

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

President Culver read and introduced Ordinance No. 16-147, establishing the position of Director of Communication.

President Culver read and introduced Ordinance No. 16-148, amending Ordinance No. 89-79, as Amended, Classification and Salary Plan.

President Culver read and introduced Ordinance No. 16-149, amending Budget Ordinance No. 15-642 to modify the authorized strength of a department.

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 the Mayor to enter into an agreement between the City of Huntsville and the Rocket City Chain Gang, as follows:

(RESOLUTION NO. 16-150)

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 Volkert, Inc., for Engineering Design Services for Pulaski Pike Pedestrian Access Improvements, Project No. 71-16-SW05, as follows:

(RESOLUTION NO. 16-151)

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

Councilman Russell moved for approval of a request for approval to advertise and fill the position of Civil Engineer III, Pay Grade 19, and to fill at steps higher than minimum within the pay grade if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and 4Site, Inc., for Engineering Services for Holmes Avenue Corridor Study, for Pedestrian Improvements, Project No. 71-16-SP24, as follows:

(RESOLUTION NO. 16-152)

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 Slade, L.L.C., for Construction Materials Testing Services for Wynn Drive

Relocation, Project No. 71-14-RD02, as follows:

(RESOLUTION NO. 16-153)

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 Garver, L.L.C., for Engineering Construction Administration Services for 2016 Water Pollution Control Sanitary Sewer Rehabilitation-Contract 1, Project No. 71-16-SP23, as follows:

(RESOLUTION NO. 16-154)

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 grant approval of an Encroachment Stipulation Letter between Southern Natural Gas Company, L.L.C., and the City of Huntsville, as follows:

(RESOLUTION NO. 16-155)

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 Community Action

Partnership of Huntsville/Madison & Limestone Counties, as adopted by Resolution No. 15-938 on December 3, 2015, as follows:

(RESOLUTION NO. 16-156)

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 Community Action Partnership of Huntsville/Madison & Limestone Counties, for services to the homeless population, as follows:

(RESOLUTION NO. 16-157)

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 Crisis Services Center, for services to the homeless population, as follows:

(RESOLUTION NO. 16-158)

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

(RESOLUTION NO. 16-159)

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 North Alabama Coalition for the Homeless, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 16-160)

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 New Futures, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 16-161)

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 Riah Rose Home for Children, for

services to the homeless population, as follows:

(RESOLUTION NO. 16-162)

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 Supplemental Agreement No. 1 to the contract between the State of Alabama and the City of Huntsville, for the widening and realignment of Church Street, Phase 1, from Monroe Street to east of Pratt Avenue, and the realignment of Pratt Avenue, including bridge replacement at Pinhook Creek (BIN#008439) in the City of Huntsville, as follows:

(RESOLUTION NO. 16-163)

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 authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 16-164)

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. 16-165)

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. 16-166)

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 agreements with the low bidders as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 16-167)

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 City Clerk-Treasurer to invoke Regions Bank Sidewalk Letter of Credit No. 55106025 for Cedar Park at Bell Grove Subdivision, as follows:

(RESOLUTION NO. 16-168)

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 submit a FY2015 Application to the Alabama Historical Commission on behalf of the Huntsville Historic Preservation Commission, for a grant award in the amount of \$14,000 for a complete professional survey of the McThornmor Acres neighborhood necessary to determine its eligibility for the National Register of Historic Places, as follows:

(RESOLUTION NO. 16-169)

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 cooperative agreement between the City of Huntsville, dba Huntsville-Madison County Emergency Management Agency, and the Alabama Law Enforcement Agency, for State Homeland Security Grant, 5 FIL, as follows:

(RESOLUTION NO. 16-170)

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 cooperative agreement between the City of Huntsville, dba Huntsville-Madison County Emergency Management Agency, and the Alabama Law Enforcement

Agency, for State Homeland Security Grant, 5 ICL, as follows:

(RESOLUTION NO. 16-171)

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 granting a business license for Rasier, LLC, to operate a Transportation Network Company in the City of Huntsville, as follows:

(RESOLUTION NO. 16-172)

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 execute Modification No. 2 to the agreement between the City of Huntsville and Christopher Contractors, Inc., for Periodic Bid for Sanitary Sewer Projects-2014, Project No. 65-14-SS04, as follows:

(RESOLUTION NO. 16-173)

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

President Culver recognized Ms. Kathy Martin, Director of Engineering.

Ms. Martin stated that what was before the Council was a contract modification, that it was an annual renewal between

the City and Christopher Contractors, for a periodic bid on sewer projects. She stated that this was just being extended for an additional year, on an on-call, as-needed basis.

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

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked if it was correct that this was in the amount of \$6,231,233.

Ms. Martin replied in the affirmative. She stated that it was a periodic bid and that it was done for a three-year period, but that each year it was renewed for that amount.

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. 16-173, and it was unanimously adopted.

President Culver stated that the next item on the agenda would require unanimous consent.

Councilman Russell asked if the unanimous consent would be to vote on the item at this time or if it was required that the item be approved with a 5-0 vote of the Council.

President Culver stated that it would require unanimous consent because it was an ordinance, and that would be required in order for the Council to vote to approve this ordinance at this time.

Councilman Russell read and introduced an ordinance

declaring certain property surplus and to be donated to the Huntsville-Madison County Marina and Port Authority, Project No. 71-16-BR01, as follows:

(ORDINANCE NO. 16-174)

Councilman 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: 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.

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

President Culver called for a roll-call vote on the above ordinance.

Councilman Russell stated that he believed there should be a discussion of this matter, and, also, that it would not require unanimous consent.

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

President Culver recognized Councilman Russell.

Councilman Russell asked if Ms. Martin could explain the

above ordinance.

Ms. Martin stated that this concerned the existing trestle bridge at Ditto Landing. She stated that the bridge had been closed since 2012, due to substantial improvements that would be necessary for vehicular traffic. She stated that the above ordinance was declaring the property surplus to the City, to be donated to the Ditto Board, so that they could use it as a pedestrian bridge, since they owned both sides of the property.

Councilman Russell asked if there would be any liability on the City of Huntsville in doing this.

Ms. Martin replied in the negative, stating that they had written the agreement so that the City was giving it to them, as private property.

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

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she believed the concern was that it was not suitable for vehicular traffic but that it was perfectly acceptable for pedestrian traffic. She stated that she believed the idea was that there would be a parking lot on the other side, where persons could park and then walk over the bridge to attend concerts at the pavilion or other events at the Marina. She stated that this would expand access to Ditto Landing and to the events and programming that would be taking place there. She stated that the bridge was also a historical structure, and that this would be a good use for

that structure that at this time was just being wasted.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-174, and it was unanimously adopted.

President Culver read and introduced an ordinance declaring a portion of the first floor of the Clinton Street parking garage surplus property, to be leased to Clinton Row Partners, LLC, for the purpose of retail development, as follows:

(ORDINANCE NO. 16-175)

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.

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

President Culver recognized Mr. Hamilton.

President Culver recognized Councilman Kling.

Councilman Kling asked if Mr. Hamilton, during his presentation, would clarify how much of this property was actually going to be utilized, noting that there was evidently some misconception that the entire parking garage was not going to be used for parking. He stated that he thought this should be clarified.

Mr. Hamilton stated that his presentation would specifically cover that.

Mr. Hamilton stated that his presentation was intended to give the Council a full overview of the entire project. He stated that in this he would be addressing the ordinance that was currently on the floor, as well as the next two items on the agenda, 15.dd, Resolution No. 16-176, and 15.ee, Resolution No. 16-177.

Councilman Russell inquired as to whether the Council members should interrupt Mr. Hamilton with any questions they might have or wait until the end of the presentation for their questions.

Mr. Hamilton stated that it would be more efficient to address questions as they went through the specific matters. He stated that if there were to be something questioned that would be addressed in a subsequent slide, he would point that out.

Mr. Hamilton made a PowerPoint presentation.

Mr. Hamilton stated that what they were discussing at this time was a recommendation for a private development to occur on

property in the downtown area that would be ground-leased by the City to a private developer. He stated that one could see the logo from the private development being depicted, and that the garage was at Clinton Row.

Mr. Hamilton stated that the Clinton Avenue Garage had been part of the City for a number of years. He continued that even prior to Mayor Battle's administration, the City had contemplated turning the first floor of this garage into retail space, that, in fact, the City had commissioned an architect to develop that concept, and that it had been developed, there had been some discussion about it, and then it had been put on the shelf. He stated that at different times over the subsequent years, there had been some discussion about pursuing this. He stated that in 2014, they had actually had investors, the Clinton Row Partners, with Wesley Crunkleton being the primary point of contact with the City, who had approached the City with an unsolicited proposal to pursue that development, although doing it on a smaller scale than what had originally been envisioned.

Mr. Hamilton stated that they believed this project was valuable to that part of the city, noting that they were aware that retail functioned best when there were multiple establishments together, noting that that was why malls had come into existence and why one saw strip centers with multiple storefronts, et cetera. He stated that one store by itself would tend to struggle, as compared to those that were

consolidated in one area, easily accessible by walking or driving. He continued that that was exactly what this location would provide.

Mr. Hamilton stated that as they looked at the map, he would point out some places where there had been other developments that had occurred. He stated that this contributed to creating a retail shopping district on one particular block in the downtown area.

Mr. Hamilton stated that the map that was being displayed was of the subject block on Clinton, noting Clinton Avenue and Jefferson Street, coming into the Courthouse Square, and then Washington Street to the east. He stated that this was Garage "O," also known as the "Clinton Avenue Garage." He stated that directly across the street were storage units, noting that approximately two years prior, some of these ground-floor units had been turned into very small, incubator-style boutique retail, known as "The Shops at Clinton Row." He stated that, also, U.G. White was a store that had come in recently. He stated that if one thought in terms of a retail area such as an outdoor mall, that would serve as the anchor, as a department store. He continued that on Washington Street there were a number of other establishments, mostly eateries, food-and-beverage-type establishments.

Mr. Hamilton stated that on the bottom floor of the garage, the front portion was specifically the area they had contemplated for this ground lease. He stated that there would

be retail development on both sides of the street, noting that this was the reason investors and developers believed this particular area was ripe for this type development.

Mr. Hamilton stated that what was being depicted at this time was a bird's eye view of the block on Clinton Avenue that was under discussion. He stated that this would become what they were trying to brand as the "Clinton Row" district. He stated that what was being depicted was a street-level view, and indicated the garage in question. He stated that the sidewalk was actually underneath the second floor of the garage, that the garage cantilevered out over it, and he indicated the wall behind which the development would occur. He stated that the wall was mostly chain-link fence, and that was where the store fronts would be.

Mr. Hamilton stated that this was a proposed retail development, with five to six bays, depending on the configuration the tenants might want, from approximately 1000 to 2500 square feet each. He stated that this was relatively small and noted that this was intended, that it was to facilitate more investment on a small business scale. He stated that one might potentially see some of these incubator-type retailers come out of the Shops at Clinton Row as they grew their business and moved up to the scale he was depicting, or perhaps even a larger scale. He stated that, also, persons who were just starting a business might want to go into this location. He stated that it was intended that

these would be small spaces, which he noted would tend to provide a plurality of storefronts. He continued that the agreement would obligate the developers to have a minimum of five separate establishments. He stated that the intent was not that there be a single large tenant, but that there be multiple small tenants.

Mr. Hamilton stated that oftentimes they brought before the Council development agreements where they had partnered with larger establishments, but noted that this was one where they were focusing on small business, and investment in space that would accommodate small business growth.

Mr. Hamilton stated that it was the intent for this to be retail, noting that, specifically, he was referring to soft goods merchandise, et cetera. He stated that they had given the developer, in this agreement, the flexibility to do a certain amount of limited food and beverage, but that this was very limited because the intent was to accommodate the small boutique retail type establishments.

Mr. Hamilton stated that what was being depicted at this time was the architect's rendering of how the garage would look. He stated that there were facade improvements and other lighting/electrical upgrades that they had contemplated. He stated that what this would allow them to do would be to do this in partnership with the developer. He stated that, as he got into some of the numbers, they would see that there would be a portion of this the City would pay and a portion the

developer would pay.

Mr. Hamilton stated that on the slide being displayed at this time, one could see what the storefronts would actually look like on the other side of the sidewalk.

Mr. Hamilton continued that where one could see a car entering on the slide was the existing entrance into the garage. He continued that this would be unaffected by the subject lease.

Mr. Hamilton stated that what was being displayed at this time was the floor plan, noting that it was approximately 7500 square feet, and that it was broken into two parcels. He indicated the space for the retail on the displayed map, and the office space for the employees who operated the garage, as well as the entrance area, noting that this would be unaffected by the lease. He stated that the areas in yellow were the only areas that would be affected by the lease, noting that this was the footprint that would be leased.

Mr. Hamilton stated that the City would be doing a ground lease, and that the developer would effectively build two small buildings inside the garage, which would be stand-alone structures that would be small retail bays.

Mr. Hamilton stated that there had been discussion about the impact of this development on the parking in the garage. He stated that on the displayed map the area in yellow currently contained 15 parking spaces, noting that the total garage had 497 parking spaces. He stated that they would be

giving up 15 parking spaces and were recommending that the Council declare these as surplus.

Mr. Hamilton stated that the usage rate of the garage was something that Mr. Tommy Brown, Director of Parking and Public Transit, and his staff monitored closely. He stated that they often heard, and had heard earlier in the meeting, the perception of there being a shortage of parking. He stated that he was aware that this perception existed and stated that they certainly wanted to do things to better market the reality of the parking situation. He continued that the reality was that there was significant parking space in the downtown area, and, in fact, there was more than was currently demanded. He stated, concerning this particular garage, that on a given day, one could find approximately 200 empty spaces, that it was at this time over capacity.

Mr. Hamilton stated that they recognized that the downtown area was going to continue to grow, noting that there were, in fact, office buildings that were not at full occupancy at this time. He stated that Mr. Brown and his staff had looked very closely at what they would expect the demand to be if all the office buildings in that area were to be fully occupied, and that they were very comfortable that they could afford to give up these 15 parking spaces. He stated that persons would see as he went through the numbers that, in fact, they were identifying that just from an economic standpoint, this was a higher and better use for this area versus the 15 parking

spaces.

Mr. Hamilton stated, concerning the agreement and the commitments from the City of Huntsville, that, obviously, it was the lease of the approximately 7500 square feet for a 40-year period. He stated that this would be provided to the developer in an as-is condition, that there would be nothing the City would do to prepare the area. He continued that the developer would come in and proceed with their construction.

Mr. Hamilton stated that there were improvements to the garage that were necessary, with some of this just being an aesthetic impact to the outside of the garage, improvements above the sidewalk area that needed to occur, in terms of lighting. He stated that because of the manner in which the garage cantilevered over the sidewalk, it was certainly an area that was prone to being dark.

Mr. Hamilton stated that this agreement capped the City's obligation in terms of this investment at \$200,000. He stated that they expected the total project to be in approximately the \$250,000 range, noting that there was still some design work that was going on. He stated that what was critical from the City's perspective in this agreement was that regardless of how expensive it might be and what the ultimate cost might be, the City's obligation was capped at \$200,000, that any amount that went over that figure, the developer would pay for those improvements. He continued that this was improvements to the City's building and the City's right-of-way outside the area of

the lease.

Mr. Hamilton stated that in the agreement the City would be obligated to maintain the garage in a functional capacity throughout the life of the lease of 40 years. He stated that this had always been the City's intent, that it was a garage that they expected to be useful for a number of decades to come.

Mr. Hamilton stated that as part of their due diligence on contemplating this lease, they had actually had an outside engineer come in and do a full structural assessment of the garage, giving them an assessment of the kind of work that he felt would be necessary in the coming years to extend the life of the garage. He stated that this was something that they would do in the normal course of business and was in no way caused by this agreement or affected by this agreement, that it was what they would do regardless. He stated that the garage was actually in very, very good condition. He continued that the City would do some things to shore it up structurally most likely within the next 10 years or so, but that it was in very good condition and that they fully expected it to be part of the downtown parking solution for many years.

Mr. Hamilton stated, concerning the protections they had in place, that one was that the City had approval authority over the design and the type of use in the area where the retail establishments would be located. He continued that even after construction was completed, if there were any

significant changes to the exterior of the private development, the City would have approval authority over those improvements or changes.

Mr. Hamilton stated that Clinton Row Partners would maintain insurance on the parking garage, so that if there was anything about their development or the activity of their tenants that would cause damage to the garage, their insurance would be in place to cover any such damage.

Mr. Hamilton stated that, as part of the agreement, there was an extensive list of prohibited uses which would guide the developer in the types of things that could go into the garage. He continued that this list of prohibited uses was to keep the focus on keeping this a retail merchandising type establishment, so that it would accomplish what they would like to accomplish, which he noted was to get some of this property back on the tax roles and collect sales tax on it. He continued that this would be in addition to the ground-lease fees.

Mr. Hamilton stated, concerning the obligations for Clinton Row Partners, that first they would be obligated to pay taxes, as any other private owner would, noting that there would be property taxes. He continued that there would also be sales taxes that would be collected from this, noting that the tenants of the retail establishments would be obligated to pay sales taxes. He stated that, also, there would be a lease payment, noting that the first 10 years of the lease agreement

was at \$14,000 per year, and then after the 10th year, it would escalate by 5 percent per year throughout the life of the lease.

Mr. Hamilton stated that, for sake of comparison, for the 15 parking spaces the maximum revenue they would get off these spaces at this time, at the rate they rented parking spaces, would be \$10,080. He stated that even if one did not consider the increase in tax revenues that would come from this agreement, that just the lease agreement itself would generate positive cash flow on the revenues. He stated that from the very first day, they would earn an extra \$3900 per year just from the ground lease. He continued that there would also be the taxes collected off the property, which he noted was currently not subject to any taxation. He stated that this would be a further increase to the revenues to the City.

Mr. Hamilton stated that, as he had mentioned previously, the City would be doing the facade improvements and other electrical improvements and things to the building, up to \$200,000. He continued that anything above that amount would be paid for by the developer.

Mr. Hamilton stated, concerning the time line for the development, that it was actually intended to move very quickly. He stated that with the Council's approval at this time, the developer would start and should have the design complete in the month of March and be able to start construction in April. He stated that they expected the

construction to be completed in September and to be able to begin doing tenant fit-out in October and November and have some of the establishments opening in November.

Mr. Hamilton stated that the developer was actually marketing the property and receiving interest from a number of retailers. He stated that the City expected this to move pretty quickly once the project was started.

President Culver recognized Councilman Russell.

Councilman Russell asked how the lease payment was derived, how they knew they had gotten the best deal on this.

Mr. Hamilton stated that they had compared lease rates to other properties in the downtown area. He continued that this was a little complex, that it was not an exact science, and that some of the challenge with the subject property was the fact that it was encumbered by the fact that the garage was there, so that there were some limitations and restrictions around how it might be developed. He stated that in their comparisons, however, they did feel very comfortable that they were at the market rate.

Councilman Russell stated that he believed the public might be somewhat confused about the legal terms, in declaring this surplus. He asked if Mr. Hamilton could explain this.

Mr. Hamilton stated that earlier in the meeting, the Council had declared surplus a bridge that was not currently being used, and that that was certainly a more common way to do it. He continued that, however, in this case, what they were

looking at was what were the utilization rates and what would be the highest and best use for this piece of property. He stated that at this time there were cars that sometimes parked in these spaces, but that there was a pretty significant excess capacity in the garage, not just from the dollars and cents side but also as to the capacity of the garage. He stated that they were recommending that this was a higher and better use and, therefore, to declare it surplus as to the need as a parking garage and to use it better in this lease format.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that there had been some concern stated at the Planning Commission meeting about the hardship this would impose on persons who used the parking deck by deleting these 15 spaces. She asked if it was correct that Mr. Hamilton had stated that there were 497 spaces in the garage.

Mr. Hamilton stated that that was correct.

Councilwoman Robinson stated that by her estimate, that would be 3 percent they would be losing, so that it would not really represent a significant hardship, that there would still be excess capacity in the garage.

Mr. Hamilton stated that that was correct. He stated that the way the garage functioned, it had very limited parking spaces on the first floor for persons that were just coming and going on a daily basis. He stated that the majority of the first-floor parking was dedicated to handicapped spaces, and

that they would continue to have the same number of handicapped spaces on the first floor, as well as spaces that were actually reserved for persons who lived in the area that had reserved specific spots that were dedicated to them. He stated that while there might be a handful of spaces that might be available for persons who would just come and go and were fortunate to find an open space there, the overwhelming majority of persons were already going to the upper floors, and that that would continue. He stated that there was plenty of capacity in the garage to handle the current daily demand.

Councilwoman Robinson asked Mr. Hamilton if he had an estimate as to what the tax revenues could potentially be, if they had run any numbers on this.

Mr. Hamilton stated that they had not done so. He stated that they had really focused on making sure they got a ground lease that would pay for itself and had then considered the additional tax revenues as gravy. He stated that he always wanted to be somewhat cautious in overpromising these types of things. He continued that they knew it had to be retail, so they knew it would generate tax revenues. He stated that there was a wide variety of types of merchandise, et cetera, that could be sold at the location.

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

President Culver recognized Councilman Kling.

Councilman Kling stated that they would get some revenue

off the parking spaces, and that in looking at the numbers, it appeared that with the amount they would be leasing the property for, they would actually generate a lot more revenue than what the 15 parking spaces would bring in. He asked if these were the numbers they had run.

Mr. Hamilton replied in the affirmative. He stated that where the \$10,080 came from was their maximum lease rate, noting that this was \$56 per month, times 15 parking spaces, times 12 months. He stated that this would be the maximum, if someone actually rented it and had the dedicated space. He stated that the reality was that if they had a way to track the revenue off those particular places, the number would be less than that. He stated that in order to not oversell this, he had given them what the maximum would be, and that they were still achieving over that, by the \$3,900.

Councilman Kling stated that it appeared that with this plan, there would be some good synergy between these new shops going into that area and the White store across the street, noting that this was part retail and part museum, and that there were a lot of people that would come in there, as well as to the small businesses adjacent to it, especially on week-ends.

Councilman Kling stated that it appeared that with minimum cost for the City, they would generate some revenue and at the same time bring in a nice little corner in downtown Huntsville that would attract people to the downtown area.

Mr. Hamilton stated that the way this would work out in co-locating retail would be the way one would see malls function, and that if one were to compare this to a mall, the U.G. White store was the large department store, the anchor that one might see in a mall; that the Shops at Clinton Row were analogous to kiosks that one would see in the middle of a mall; and that what the new development contemplated was the mid-sized stores that filled in between. He stated that there were also other stores that were in very easy walking distance, such as Harrison Brothers, the Greene Street Market store, and others around the Courthouse Square, that would certainly benefit from this, as well as would the various food and beverage establishments.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-175, and it was unanimously adopted.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Development Agreement between the City of Huntsville, Alabama, and Clinton Row Partners, LLC, for the development of retail spaces within a portion of the first floor of the Clinton Street Parking Garage, as follows:

(RESOLUTION NO. 16-176)

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 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 authorizing the Mayor to enter into a Ground Lease between the City of Huntsville, Alabama, and Clinton Row Partners, LLC, for a portion of the first floor space of the Clinton Street Parking Garage, as follows:

(RESOLUTION NO. 16-177)

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 to appoint Jeff Birdwell as the Director of the Huntsville-Madison County Emergency Management Agency, at a salary rate of Grade 20, Step 12, as follows:

(RESOLUTION NO. 16-178)

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

President Culver recognized Mayor Battle.

Mayor Battle stated that this position was opened up by the EMA Board. He stated that they had had numerous applicants for the position. He stated that he believed the Council members would find if they looked at their bio of Jeff Birdwell that he had been Deputy Fire Chief in Madison for the past couple of years, that he had a graduate certificate in Emergency Management and a Master's in Public Administration. He stated that he believed he would be a great asset for the entire community, not just Huntsville but for Huntsville, Madison, and Madison County. He stated that he believed they had a great person to do a great job for them, and he would urge the Council to approve this.

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

There was no response.

President Culver stated that he certainly agreed with Mayor Battle on this.

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

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

Councilman Showers read and introduced an ordinance

vacating a portion of a Utility and Drainage Easement for property located in McMullen Cove Subdivision, along the rear lot line of 55 McMullen Lane, as follows:

(ORDINANCE NO. 16-179)

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

President Culver asked if there was any 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 Non-Roster Communications from the Public. He stated that persons who wished to address the Council at this time should position themselves in proximity to a microphone, and that they would have approximately three minutes in which to address the Council.

Ms. Jackie Reed again appeared before the Council, stating that she had two items she would like to address. She stated that she had been told she could not attend the Historical Commission meeting in McThornmor Acres because she did not live in that neighborhood. She stated that if these persons were given money from the City, they could bet that she was invited to the meeting, whether or not she lived in the neighborhood. She stated that the Council needed to straighten this out, that she did not intend to put up with it. She stated that

Councilman Kling had moved her out of her district and into another district. She continued that she had been told that she could not attend that meeting, but she would be attending the next one.

Ms. Reed stated that she was back to the parking garage. She stated that maybe she just needed to jump the fence and take up with all the "Yes" people sitting on the Council. She stated that it did not matter what came in, that if Mayor Battle wanted it, the Council might ask a few questions, but they were going to vote in favor of it. She continued that it did not matter if the people cared or the people liked it or how much it cost. She stated that all of them had voted in favor of the agreement concerning the parking garage. She stated that the lawyers would not have any place to park, and the Courthouse personnel were complaining about it also. She stated that they should come downtown on a Friday and try to find somewhere to park to go to the Courthouse. She stated that she just could not understand why they did what they did. She stated that, of course, the election would be coming up later in the year and maybe there would be some changes somewhere.

Ms. Reed stated that she certainly hoped that some of them would wake up. She stated that they kept bringing in persons from out of town, and that they wanted to live like a big town. She stated that they should just move to a big city, and she would help them. She stated that if they did not want a change

in government, she was going to have to jump the fence.

President Culver asked if any Council member would like to address Ms. Reed's comments.

President Culver recognized Councilman Kling.

Councilman Kling stated that whenever Mayor Battle had what he felt was a pretty good idea, he was going to support it. He stated that he appreciated the fact that they did have persons bringing up good ideas. He stated that he realized it was easy to say that everything was lousy. He stated that it appeared that when they tried to explain to some citizens that releasing 3 percent of the parking spaces would cost this amount, and that this would be what the return would be, they were not able to do so. He stated that they were supposed to look for good ideas, noting that they did not all agree on everything.

Councilman Kling stated that if some people did not hear what they wanted to hear, they were just going to walk out of a meeting. He stated that, unlike some people, he was not planning on running for any office in the current year, that he was just looking for good ideas, and that he thought this was a good idea, that it would bring persons downtown, and that it would be at a minimum cost, and that, actually, they would probably see a dollars-and-cents increase.

Councilman Kling stated, concerning the neighborhood meeting, that the neighborhood had not wanted outsiders participating in the vote on their neighborhood issue, and they

had made the decision not to have outside people at the meeting, not even anyone from the City. He stated that they certainly respected the right of the neighborhood to make their own determination as to whether or not they wanted to go into the National Register of Historic Places. He stated that he had not attended that meeting. He continued that they had made up their minds without any outside interference, that they had just wanted the residents to talk among themselves. He stated that this was democracy in action.

President Culver asked if there was anyone else in the audience who would like to address the Council at this time.

A concerned citizen stated that he had not known the format as far as to how to speak up earlier, but that one question he had about the parking garage was leasing it for \$14,000 per year. He stated that he was wondering what the potential revenue for the leased spaces would be, that if they were each leased at \$1,000 per month, or so, and there were five or six pieces of property, that it might be approximately \$6,000 of revenue that would go to the Clinton Row group, or something of that nature. He stated that it appeared to him that this was a really cheap lease on something that was going to be subsequently leased again, and all that revenue would go to the Clinton Row Partners. He stated that he was hoping there might have been some projection as to how much the Clinton Row Partners might make, and that perhaps this lease amount was too low.

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

Mr. Hamilton stated that, as he had discussed briefly in his presentation, they had looked at comparable prices for ground leases in the downtown area, and that the rate at which they were leasing this ground, without improvements, was what they considered to be an appropriate market rate. He continued that it would actually pull in greater revenues than in its current years.

Mr. Hamilton stated that the question was a very valid one. He continued that Clinton Row Partners' lease rates would be determined by the market. He continued that in this case, the developer was doing all the investment into the vertical improvements, and they would own those completely. He stated that they would have to be able to generate occupancy levels at market rates that would allow them to have an appropriate return on their investment. He continued that these rates would rise and fall as the market would rise and fall, and that would be where risk would come in for the developer.

Mr. Hamilton stated that in this case, they were very comfortable that they were getting the market rate, and that they showed an escalator they believed gave an accurate reflection of typical models for inflation through the 40-year life of the lease, so that they were very comfortable that what they had gotten for the ground lease was the market rate. He continued that in this case, the developer would bear

the risk of rises and falls in the real estate market and the retail market. He stated that as business worked in America, they deserved to get an appropriate return on investment to repay them for that risk. He stated that at this time it was very challenging to say exactly what that would be for them, but that the City certainly hoped they would be profitable because they did not want the space to be dark and empty. He continued that they expected them to be profitable, and they expected them to get a return on investment driven by the market. He stated that if they were to get an astronomical return on development, they would bring competitors into the market, and that would get driven down. He stated that that was the way the free market operated.

President Culver recognized Councilman Showers.

Councilman Showers stated that he would like to call Ms. Michelle Jordan and Mr. Shane Davis to the microphone.

Councilman Showers stated to Ms. Jordan and Mr. Davis that he had received a call on the prior day from Dr. Joseph E. Lowery, and that he was ready to come to Huntsville if they would give him a date, noting that he had asked for a warm-weather date.

Councilman Showers stated that he would like to commend Ms. Jordan and Mr. Davis for their efforts on this project, the new Dr. Joseph E. Lowery Boulevard, coming off Governors Drive and going around to Williams Street, noting that they had done a marvelous job on this project.

Ms. Jordan stated that they were ready on this, and that she would get with Councilman Showers and they could select a date.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER