

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, FEBRUARY 27, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, February 27, 2014, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Culver, Olshefski, Showers, Kling (Councilman Culver not present for entire meeting.)
Mayor:	Battle
City Administrator:	Hamilton
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Rev. Frank Broyles, Minister of Church and Community, Faith Presbyterian Church, led the invocation; Members of Boy Scout Troop 400 led the pledge of allegiance.

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

The minutes of the Regular Meeting of the Council on February 13, 2014, and a Special Meeting of the Council on February 17, 2014, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle stated that there were a number of young people in the audience who had done great things for the community. He asked Mr. Patterson, Director of Parks and Recreation, to come forward.

Mr. Patterson stated that it was his pleasure at this time to introduce two State champions in the winter sports program.

Mr. Patterson asked Payton Demos of Huntsville High School to come forward. He stated that Payton was the Class 6A, 220-pound weight class State champion from Huntsville High School. He continued that the event had been held in the city, at the Von Braun Center, hosted by the Huntsville Sports Commission.

Mr. Patterson asked Payton what his final record had been.

Payton said it was 58 wins and 4 losses.

Mr. Patterson stated that that was quite an accomplishment and congratulated him.

Mr. Patterson asked Terence Humphrey of Columbia High School to come forward.

Mr. Patterson stated that Terence was the State Long Jump Champion, Class 5A. He stated that this event had occurred in Birmingham recently. He asked Terence how long his winning jump had been.

Terence stated that it was 21 feet, 8 inches.

Mr. Patterson congratulated him for this, noting that it was outstanding.

Councilman Showers read and introduced a resolution

congratulating Boy Scout Troop 400 for their 25 years of outstanding service to the community, as follows:

(RESOLUTION NO. 14-133)

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

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

Councilman Showers read from the resolution, noting that it was the 25th anniversary of Boy Scout Troop 400. He continued that the troop had been led by Scoutmaster Albert F. Farrar, Sr., and sponsored by Hall Bryant, Jr., and Jim Batson of H.C. Blake Company. He continued that several adult scout leaders and very caring citizens of Huntsville had helped to develop a youth development program for the youth of Huntsville Public Housing and the surrounding low-income area through Boy Scouts of America Troop 400. He stated that the troop had been registered in 1988 by the Boys and Girls Club at the request of Hall Bryant, Jr., a Board Member who had paid for the charter. He stated that Mr. Farrar had volunteered to be the scoutmaster but found the troop inactive and in need of a new sponsoring organization, and that Mr. Bryant wanted Troop 400 for Searcy Homes and had made the decision that his company, H.C. Blake, would sponsor the troop and pack. He continued that the program had been watched closely and tailored to meet the special needs of the children it served. He continued that the Troop 400 record of developing leaders was noteworthy and named

several scouts who had gone on to special achievements. He stated that among these was Eagle Scout Tory Green, who had been selected to present the National State of Boy Scouts of America to the President of the United States and a Joint Session of Congress. He stated that Mr. Green's eye-catching Eagle Scout Leadership Service Project that consisted of bringing together agencies that provided youth development services and at-risk students that needed those services played a role in his selection for this. He continued that Mr. Green was now the Scoutmaster of Troop 400 and was doing an outstanding job.

Councilman Showers stated that on three separate occasions, Mr. Farrar had been designated a "National Distinguished Scoutmaster" and had been asked several times to explain the successes of the program in a hard-to-serve area.

Councilman Showers enumerated the various services provided by the Troop 400 enrichment program for all youth in the community, not just those who participated in Scouting.

Councilman Showers stated that the Council would like to wish the members and leaders of Boy Scouts of America Troop 400 a Happy 25th Birthday and that they wished to recognize Cub Pack 400 and Venture Crew 400 as extensions of the Boy Scout Troop 400 tried and proven character development program. He stated they would also like to thank Mr. Michael Lundy, Director of the Huntsville Housing Authority, for his support of this program. He continued that as the new scoutmaster

Mr. Green assumed leadership and Mr. Albert Farrar assumed his role as Scoutmaster Emeritus, he wished them every success in all future endeavors.

Councilman Showers asked Mr. Green to come forward. He also asked Ms. Pam Morgan, Assistant Scoutmaster and Cubmaster of Troop 400 and Executive Assistant to Mr. Michael Lundy, to come forward.

Councilman Showers stated that it had been a delight to see what Boy Scout Troop 400 had done and stated that he was very proud of this. He continued that when he had seen Mr. Green appear before the President and Congress, he had felt very proud.

Mayor Battle presented copies of the resolution to Mr. Green and Ms. Morgan.

Mayor Battle stated that Mr. Green was one of the City police officers and that he did a great job in the community. He continued that he was one of the City's fine officers and that he was very proud to have him on the streets representing the City.

Councilman Showers stated that the Council certainly appreciated Mr. Green and Troop 400.

President Russell stated that the next item would be taken out of order on the agenda.

Councilman Showers read and introduced a resolution congratulating Pastor T.C. Johnson upon his 30th Pastoral Anniversary Celebration at St. Luke Christian Church, as

follows:

(RESOLUTION NO. 14-136)

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

Councilman Culver read from the resolution, noting that Pastor Johnson's 30th anniversary celebration at St. Luke Christian Church would be held on March 7 through 9, 2014. He stated that this would begin on March 7 with a grand gala banquet at the Von Braun Civic Center, North Hall, at 7 p.m. He continued that on March 8 would be the Family Fun Day on the campus of St. Luke Christian Church, at 2 p.m., and that on March 9, 2014, worship services would be held at 8 a.m. and 11 a.m., with a special guest minister and a special choir.

Councilman Culver stated that Pastor Johnson had served as the leader of the St. Luke Christian Church for more than 25 years and that during this time the church had witnessed the most progressive increase in membership in the history of its existence.

Councilman Culver stated that the Council wished to congratulate Pastor Johnson upon his 30th anniversary at St. Luke Christian Church and extend their very good wishes for all future endeavors.

Councilman Culver stated that the resolution would be presented at the banquet on March 7.

President Russell called for the vote on Resolution

No. 14-136, and it was unanimously adopted.

Councilman Showers read and introduced a resolution congratulating Fire Marshal Joe L. Jordan upon his retirement, after 38 years of dedicated service to the Huntsville Fire Department, to be effective March 1, 2014, as follows:

(RESOLUTION NO. 14-134)

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

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

Councilman Showers read from the resolution honoring Fire Marshal Jordan, noting that he was retiring after 38 years of dedicated service to the Huntsville Fire Department. He stated that Fire Marshal Jordan had been employed with the City of Huntsville since 1975 and that during that time, he had served as a professional fire fighter, driver/engineer, and fire prevention/investigation officer with Huntsville Fire and Rescue. He continued that Fire Marshal Jordan had also retired from the United States Naval Reserve after 20 years of service.

Councilman Showers stated that Fire Marshal Jordan had been the first African American to hold the rank and position of Fire Marshal of the City of Huntsville, Alabama. He continued that he had been appointed Fire Marshal in 1995 by Mayor Steve Hettinger and had remained in that position for more than 19 years. He enumerated the many accomplishments of Fire Marshal Jordan during his career with the City, noting

that he had been a fire fighter, driver/engineer, roster fire captain as needed, fire marshal, counselor, et cetera, for all who had solicited his assistance as needed. He stated that his education included a doctorate in theology, as well as a degree in Fire Science. He stated that one of his accomplishments while with Huntsville Fire and Rescue was certification from the Bureau of Fire Prevention, State and National, for fire prevention and fire investigation for all personnel of the agency. He stated that Huntsville had been one of the top rated departments in the state of Alabama. He stated that the Bureau of Fire Prevention pilot program was one of the first programs for Juvenile Fire Setters Intervention in the city of Huntsville, Alabama, where individuals were educated to the dangers and hazards of fire. He stated that Huntsville had received several recognitions for low rates of fire fatalities for a city its size.

Councilman Showers asked Fire Marshal Jordan to come to the podium.

Councilman Showers expressed appreciation to Fire Marshal Jordan for his many years of service to the City, stating that during his service he had made the City of Huntsville proud, as well as the state and the nation. He presented the resolution to Fire Marshal Jordan and wished him well on his future endeavors.

Fire Marshal Jordan expressed appreciation for the recognition, stating that the past years with the City had been

wonderful and that he would certainly miss everyone.

Councilman Kling read and introduced a resolution congratulating Marie Bostick, Manager of Planning Administration, upon her retirement, after 26 years of dedicated service to the Planning Department, to be effective February 28, 2014, as follows:

(RESOLUTION NO. 14-135)

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

Councilman Kling stated that the City would not really be losing Ms. Bostick, noting that she would be the Director of the Land Trust for the City of Huntsville. He expressed appreciation to Ms. Bostick for her outstanding service in the Planning Department, noting that in 2000 she had become Assistant Director of Planning, and that in 2011 she had been appointed Interim Director of Urban Development, supervising seven departments, and that currently she held the position of Manager of Planning Administration, where she focused on many aspects of City planning. He stated that she had done an outstanding job with several large projects in the city and that her work in the past had shown that she had very strong credentials and would do a great job for the community as Director of the Huntsville Land Trust. He continued that he looked forward to working with her in the future.

Mayor Battle stated that Ms. Bostick would certainly be

missed in the Planning Department. He continued that anything that had happened in the city over the past 10 years had Ms. Bostick's fingerprints on it, noting that she had been integral in doing a lot of great things for the City. He stated that she always made sure projects would work and would be the best thing for the community, noting that she had made sure the community was better each and every day. He congratulated her for going on to her dream job at the Land Trust but noted that the Planning Staff would miss her, the Administration would miss her, and that everyone in the City or who dealt with the City would miss her because she had done such a great job. He thanked her for her service.

President Russell stated that there would be presentation of Certificates of Recognition to the boys' basketball team at Champman Middle School, winner of the 2013-14 Middle School Championship. He asked Coach Blanding to join him, Councilman Showers, and Mayor Battle on the podium.

President Russell stated to Coach Blanding that his team had had an outstanding year and asked that he introduce his coaches and players.

Coach Blanding introduced the assistant coaches and the team members and asked them to come forward.

Coach Blanding stated that, as President Russell had stated, the team had won the Huntsville City School 2013-14 Championship, and that also they were 28-0 for the season. He continued that he believed the most remarkable thing about

their season was that the players that were standing before the Council had a cumulative GPA of more than 3.0.

Mayor Battle congratulated the coach and the team. He continued that making a 3.0 GPA was not easy at Chapman, that he had visited the school recently and had seen in every class teachers pushing students and making them learn. He stated that beyond the athletic awards, the most important thing was the academic awards, because everyone would not go on to be pro players, et cetera, but they would all have to be part of life. He congratulated the team members on their grades, as well as the accomplishment of going 28-0.

President Russell stated that the next item on the agenda was a Certificate of Appreciation in recognition of the 50th anniversary of the Fleming/Westbury Civic Association.

President Russell recognized Councilman Kling.

Councilman Kling stated that this was to honor one of the great neighborhood associations with which he had had the pleasure of working. He stated that he had had the honor of working with Tom McAdams and other persons in the neighborhood for the past several years and that they had done some good things in that neighborhood, that they had a very good Community Watch chapter. He continued that there had been some beautification in the neighborhood, that a traffic circle had been put in, there had been some road resurfacing, and they had taken care of some small neighborhood issues. He stated that not only had this neighborhood association been very active but

it had been around for a very long time, noting that, in fact, it could very well be the oldest continuous neighborhood association in the city. He stated that it had originally been created 50 years prior as the Westbury Estates Civic Association, that it had been established in 1964. He stated that over the years it had been changed and expanded and it was now known as the Fleming/Westbury Civic Association, FWCA.

Councilman Kling stated that he would like to recognize one very special person at this time, Ms. Marlene Sullins, noting that Ms. Sullins and her husband, Charles, had been one of the first family owners in Westbury Estates. He stated that he had asked her to come to the meeting so he could present the certificate to her. He stated that Ms. Sullins' husband, who had passed away, was the founder of the Westbury Estates Civic Association. He stated that, as he had mentioned, this association was modified in 2009 to include the Fleming Meadows neighborhood. He stated that Mr. Sullins was well known as an attorney who always gave back to the community and that he had helped many persons at his own expense. He stated that it was this theme of giving and helping others that Mr. Sullins had instilled that had helped this association for many years. He stated that his legacy was certainly continuing, noting that Mr. McAdams had certainly carried on that legacy.

Councilman Kling presented a Certificate to Ms. Sullins, and stated that he would like to give a big thank you to all the other members of this neighborhood association. He asked

the members of the association who were in the audience to stand and be recognized. He stated that Mayor Battle and the Council also wanted to say thank you, noting that 50 years was a very impressive length of time for this organization. He continued that it was certainly a privilege to have worked with them on projects that they had had over the past several years.

Mr. McAdams expressed appreciation for the recognition and stated that he would also like to thank Mayor Battle, the Council, and all the City employees who had made their neighborhood a great place to live for 50 years.

President Russell stated that item 15.a had been deleted from the agenda. He stated that it had been asked that the Council consider item 14.c, Ordinance No. 14-142, at this meeting, and that this would need unanimous consent.

President Russell stated that the next item on the agenda was Business with Outside Legal Representation.

President Russell stated that the next item on the agenda was the Council decision on a Personnel Hearing held on February 21, 2014, for Reuben Smartt, Public Works Services.

President Russell moved to uphold the decision of the Personnel Committee in this matter.

Said motion was duly seconded by Councilman Kling.

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

AYES: Olshefski, Kling, Russell

NAYS: Culver, Showers

President Russell stated that the motion had passed.

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

President Russell stated that it was the time and place in the meeting for a public hearing in order to hear and consider all objections or protests, if any, for removal of a nuisance at 1410 Calvary Street, NW, Huntsville, Alabama, which hearing was set at the February 13, 2014, Regular Council Meeting.

President Russell recognized Mr. Ken Benion, Director of Community Development.

Mr. Benion stated that this hearing was to hear objections to the proposed abatement of a public nuisance at 1410 Calvary Street. He stated that he had photographs which he would like to display to the Council.

Mr. Benion showed photographs of the property, stating that they showed the structure, or the remains of the structure, that was left at 1410 Calvary Street. He stated that they saw this as being unsafe, that they felt it might fall and present a danger to the public. He stated that the Council needed to hear if there were any objections. He continued that the accompanying resolution would allow his department to abate this nuisance by tearing it down.

President Russell asked if there was anyone in the audience who would like to comment on this particular item.

There was no response.

(Councilman Culver is no longer present in the Council

Chambers.)

President Russell read and introduced a resolution ordering abatement of a nuisance at 1410 Calvary Street, NW, Huntsville, Alabama, as follows:

(RESOLUTION NO. 14-137)

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

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

President Russell asked that the record indicate that Councilman Culver had left the building.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-5, rezoning property lying on the north side of Carl T. Jones Drive and west of Ledges Drive from Residence 2-A District and Neighborhood Business C-1 District to Highway Business C-4 District, which hearing was set at the January 9, 2014, Regular Council Meeting.

President Russell recognized Ms. Lisa Leddo, Planning Division.

Ms. Leddo stated that this was 126.89 acres, indicating the area on a displayed map. She stated that it was located on the north side of Carl T. Jones Drive and west of Ledges Drive and that the rezoning request was from Residence 2-A District for 125.72 acres and Neighborhood Business C-1 District for

1.17 acres, to Highway Business C-4 District. She stated that a Residence 2-A District was a residential district that permitted all housing types, including apartments, and that a Neighborhood Business C-1 District was the smaller scale retail sales and services district.

Ms. Leddo stated that the property owners had requested this rezoning and that they had also offered some plat restrictions. She stated that these restrictions would prohibit the following uses: auto auctions; automobile sales; automobile repair garages; light manufacturing/assembly; mobile home and trailer parks; Class 1 club liquor retailers, without package sales; Class 1 lounge liquor retailers, without package sales, with or without entertainment; Class 2 club liquor retailers, without package sales; and Class 2 lounge liquor retailers, without package sales, with or without entertainment. She stated that simply said, this would eliminate bars or lounges in this area through the plat restrictions.

Ms. Leddo stated that this was currently vacant land and was the site of a proposed commercial shopping development.

Ms. Leddo stated that the Planning Commission had recommended approval of this request.

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

Mr. James Linderholm, 817 Olivia Avenue, appeared before

the Council, stating that he had previously addressed the Planning Commission concerning this rezoning. He stated that he was just giving his view on this as a resident of the area.

Mr. Linderholm stated that, as he understood it, a small part of this property was zoned Business C-1 and a large part of it was zoned Residence 2-A, which he noted was multi-family, essentially apartments or condos. He continued that now this was proposed to be zoned C-4, which he noted was Highway Commercial. He stated that there were a number of things that he felt should be considered before this would be approved. He stated that it appeared to him that this had not been given that much consideration, although there might be very good reasons that he was not aware of for going ahead with this.

Mr. Linderholm stated that initially there had been talk about persons did not want to lose the cows, et cetera, but he noted that these were not these persons' cows nor their lands and that he did not think that was a valid issue. He stated that, however, he felt that persons should be concerned about the zoning classification of Highway Commercial, noting that he was not quite certain what this entailed. He continued that perhaps Planning could address this.

Mr. Linderholm stated that, No. 1, this appeared to be spot zoning, with one bit of C-4 right in the middle of no other C-4. He continued that he did not believe this had ever been done in the city previously and that he would like to know why it was being done at this time.

Mr. Linderholm stated that he did not know if they were aware of why they were considering doing this in this area, noting that there were blighted Highway Commercial zones up and down the Parkway and up and down University, and that the City had appointed a commission, he believed, to look into how they could get that land back to use. He stated that he did not believe developers would develop that land if the City was saying they would happily turn over a prime piece of residential real estate to them and turn that into new Highway Commercial. He stated that this appeared not to make sense to him. He stated that he did not believe the people living around this area would want Highway Commercial in the area but that he did not know about that, that he could only speak for himself, and that it was not really what he would like.

Mr. Linderholm stated that, however, he felt that was a smaller issue than the issue of what they were looking at down the road, how they were going to stop essentially losing commerce from one location to another location when persons would say they would build something nice at one location and another area had gone to pieces. He stated that if a retailer wanted to come to the city, it might appear they were being attracted by the package they were given at this time to develop in the city, but, actually, they most likely were not, that they were going to be coming and they were going to look back over 10 years for year-on-year growth in their sales, that that would be what the national office would want. He stated

that they were going to decide whether they wanted to come to Huntsville independently, whether or not they would be given a nice development package.

Mr. Linderholm stated that if the developers wanted to come in, he felt the City should say they wanted them on South Parkway, North Parkway, and University, that they wanted these derelict Highway Commercial areas redeveloped. He continued that he did not see how this would happen if they did things such as what was before the Council at this time, reiterating that this did not make much sense to him. He stated that if the present zoning had been the plan for that area and it was in the middle of a residential area, there was no reason it could not stay that way. He stated if the idea was they were going to attract this new development, then they should attract it to the areas where it was supposed to be done already since those areas desperately needed it.

Mr. Linderholm stated that the Whole Foods project was a good example of this, that it was locating in an area that needed to be redeveloped, and that the City had assisted them in making that happen, and it had happened. He stated that he believed there was less pressure for more of such things as this to happen if they would say the developers could go into this nice pristine area right in the middle of housing.

Mr. Linderholm stated that the preamble to the ordinance was that the public welfare was supposed to require it, but noted that public welfare did not require this, that, in fact,

he felt it went the other way. He stated that he felt if they were looking long term, his view from the outside was that housing in the last couple of decades had gone to Madison and to the county, that that was where a lot of people were living at this time and that they had built up their schools. He continued that they had done this without high-end shopping. He stated that Madison did not have high-end retail and persons had chosen to go there without that, or perhaps because it was without it. He stated that the City was perhaps losing persons because of the blighted areas they were having trouble rehabing. He stated that there was a very good argument that developers could be persuaded to go into these other places, but he was not sure there was a very good argument for doing this proposed rezoning.

Mr. Linderholm stated that one thing that had been discussed was that this would bring in more property tax, because it was vacant land and there was no tax on it at this time. He continued that the City could definitely use the money, that there was no question about this, but stated that if it was simply moving activity to this area from another area, he was not sure that would be balanced by bringing the property onto the tax rolls.

Mr. Linderholm stated that he would like to know if this was spot zoning and if it had been done before, or if they would be breaking new ground in allowing that at this location. He stated that he would also like to know what Highway

Commercial included. He asked if the City had thought through whether or not this was actually going in the right direction in terms of trying to help other existing Highway Commercial areas that were not being developed.

President Russell asked Ms. Leddo to answer Mr. Linderholm's questions concerning Highway Business C-4, spot zoning, and whether or not the City had looked at other options besides this particular project.

Ms. Leddo stated that she would provide some history concerning this area. She stated that the property immediately to the south of the subject property was the Jones Valley Shopping Center, where Target was located, and that it was currently zoned Neighborhood Business C-1, noting that it had been zoned as such since 1963. She stated that when this area started to develop, they had realized that the intent of a Neighborhood Business C-1 District was not truly being followed, noting that a Neighborhood Business C-1 District was really intended to be a pedestrian-oriented district that served adjacent neighborhoods.

Ms. Leddo stated that when this had been developed, there was some concern from the surrounding neighborhoods, and that in 2001, the City Council had directed the Planning Division to come up with some new Neighborhood Business C-1 District regulations that would limit the size of Neighborhood Business C-1 Districts across the city, so that they would indeed remain smaller scale retail sales and services that would serve

neighborhoods. She stated that this had already been zoned Neighborhood Business C-1, and that it had been developed as a large shopping center. She stated that Carl T. Jones Drive was a minor arterial, noting that in the City's street classification system, this was based on the ability of a roadway to handle certain amounts of traffic. She continued that minor arterials were the second highest roadway designation on the street plan.

Ms. Leddo stated that the Neighborhood Business C-1 District regulations limited the depth of the shopping area along a Neighborhood Business C-1 District to 500 feet, and along a local street, which she noted would be, for example, Ledges Drive, to 200 feet. She stated that when these regulations had been adopted in 2002, they limited the size of all future Neighborhood Business C-1 Districts.

Ms. Leddo stated that when the property owners had come in, they had requested Highway Business C-4 zoning for this property in order to develop a shopping center similar to the one that was directly across the street. She indicated on the displayed slide that these areas were very similar in size. She stated that it was appropriate to develop this type center across from a similar sized shopping center, and that it was along a minor arterial, and there were no surrounding residential uses at this time that this would impact. She stated that it was currently vacant property, that it was vacant to the west and to the north, and that the closest

residences were in The Ledges, which she noted was up on top of a mountain. She stated that when the owners had come in and requested this, it was reasonable.

Ms. Leddo reiterated that this was 126.89 acres, noting that it would be hard to argue that that would be spot zoning. She continued that spot zoning was a different type of legal consideration, where they would be doing it to benefit one property owner to the detriment of others. She stated that because this was similar in size to the shopping area across the street, it would be hard to argue that that would be spot zoning.

Ms. Leddo stated that traffic studies had been conducted on this and stated that if the Residence 2-A District was developed as apartments, there would be, on average, 12 units per acre, and that would actually generate more traffic than it would if this would be developed as a shopping center.

Ms. Leddo stated that they had looked at all this. She continued, concerning different locations for a shopping center, that, unfortunately, the City could not direct businesses where to locate. She stated that it would be nice if they could, but noted that this was all market driven, that it was decided by the private businesses as to where they wanted to locate. She stated that they did marketing studies that told them the exact location, and that if they could not have that exact location, oftentimes they would just not locate within the city at all. She reiterated that the City could not

direct where they would locate.

Ms. Leddo stated that if the property would be rezoned to Highway Business C-4, it would increase the property tax base, but that it would also, more importantly, increase the sales tax base. She continued that, as most persons were aware, the City's budget relied heavily on sales tax revenues. She stated that they had looked at all the different factors of this potential rezoning, that they did consider it a valid request, and that the Planning Commission had voted in favor of it, so that that was what was before the Council at this time.

President Russell asked if anyone else in the audience wished to address the Council on this particular issue.

President Russell asked Mr. Linderholm if his questions had been answered adequately. He stated that if he wanted to ask more questions, he should go to the microphone.

Mr. Linderholm stated that he was not quite certain about the regulations. He stated that Ms. Leddo appeared to be saying the Target shopping center was C-1 but they had developed more than they should have under C-1 and it somehow came out larger than it should have been. He asked if that was what she had said.

President Russell asked Ms. Leddo to explain this.

Ms. Leddo indicated the area where the Target store was located on a displayed map and stated that this area was zoned Neighborhood Business C-1. She continued that it had been zoned in that manner in 1963. She stated that when they had

begun construction on this site, they fully met the Neighborhood Business C-1 regulations at the time. She stated that it was after the area was under construction that Planning had been instructed to limit the size of the Neighborhood Business C-1 Districts in other parts of the city. She stated that they had been able to fully develop this shopping center, as one saw it at this time.

Mr. Linderholm stated that if the Target area was in compliance with C-1, he could not understand why they needed to have more at this new site. He stated that he understood they wanted to have more. He stated that he did not understand the justification as to why the other side had to be C-4, noting that it could be more shallow, not go back more than 500 yards, in C-1, he believed. He stated that he was not quite sure how this was a justification for this rezoning, that it appeared that it was just that the developers wanted it so the City was going to change the zoning so they could get what they wanted, rather than that it was necessary or anything.

Mr. Linderholm stated that he did not believe there was any proof that the sales tax base would be increased at all, noting that it was quite possible that persons would simply shop there and stop shopping somewhere else. He stated that it was not really as though people in Huntsville would say, "There is a new store. I am now going to spend more money this month." He stated that that just did not follow logically. He stated that it might happen, but it just as easily might not.

He stated they were certainly seeing instances where new retailers had opened up and other retailers had just died completely. He reiterated that he did not believe it was a given that they would get more sales tax revenue from this, that he believed that was speculative, at best.

President Russell asked if there was anyone else who wished to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 14-5, rezoning property lying on the north side of Carl T. Jones Drive and west of Ledges Drive from Residence 2-A District and Neighborhood Business C-1 District to Highway Business C-4 District, which ordinance was introduced at the January 9, 2014, Regular Council meeting, as follows:

(ORDINANCE NO. 14-5)

Said motion was duly seconded by Councilman Kling.

President Russell asked Ms. Leddo if there were any other 126-acre tracts on the Parkway. He continued that he believed the retailers wanted this large project to go in this location because that was where they wished to go but asked if there were any other places where they could put a large shopping center such as this.

Ms. Leddo stated that she could not answer that question, that there might or might not be. She stated that they might

be able to assemble enough tracts to create 126 acres. She stated that what was important was this was the location where these private businesses wanted to be. She stated that if they were not allowed at this particular location, based on their marketing studies, it was quite possible they would not locate in the city at all.

Mayor Battle stated that if one went south on the Parkway, because of the residential homes that bound both sides of the Parkway, they could not get a 126-acre tract until at least to Haysland and perhaps south of Haysland, where they could possibly parcel it together, just because the residential creep was in there.

President Russell stated that Mr. Linderholm's points were well taken. He stated that in order to fix the blighted areas, they had to get commercial in there. He continued that he had spoken with Mayor Battle and Ms. Bostick about this on many occasions, and that it just would not work if they did not allow any new commercial areas, that the businesses just would not go where they wanted them to go. He stated that he believed this and asked Mayor Battle if that was what he was stating.

Mayor Battle replied in the affirmative.

President Russell stated that no matter how hard the City pushed, some of them just would not go to those areas.

Councilman Kling stated that for smaller parcels of land, he felt the Walmart property at Drake and the Parkway would certainly be a good prospect, given the location and the

traffic counts in that area.

Councilman Showers stated that he felt he would be remiss if he did not say that there were two parcels of land, one at Oakwood and the Parkway and another at Max Luther and the Parkway, on both sides. He stated that certainly these areas would qualify to be developed. He stated that he just did not want them to lose sight of the fact that there was another end of town that was in need of several opportunities. He stated that these parcels were there and that he would continue to bring that up at the meetings until they had an opportunity to move someone to those sites.

President Russell reiterated that they could not tell persons where to go, that they could certainly try to make it desirable, and that he felt they were all continuing to do that.

President Russell called for the vote on Ordinance No. 14-5, and it was unanimously adopted by the Council members present.

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

Mr. Gary Taylor, 11000 Jean Road, appeared before the Council, stating that he had some gifts for Mayor Battle and the Council members, if someone could take them.

Mr. Taylor stated to Mayor Battle and the Council members that he believed they were doing a marvelous job and thanked them for all they did.

Mr. Taylor stated that he worked at the Star Market grocery store at Bailey Cove Road and Weatherly and that he also worked at the Southeast Huntsville YMCA. He continued that he watched the Council meetings on television and that he considered all of them as his family.

Mr. Taylor stated that what he would like to speak to the Council about at this time was heroes, noting that when he was growing up some of his heroes had been Batman, Superman, and Spiderman, but that his heroes at this time were fire fighters, police officers, and men and women in uniform. He stated that there were also hometown heroes and that he would like to talk about a few of those. He enumerated many persons in the city who were his heroes, including Mr. Danny Shea, noting that he believed that the city was much better because he was employed with the City, that he was an awesome person. He stated that Ms. Jackie Reed was another one of his heroes. He stated that another one of his heroes was Mr. Darden Heritage, the owner of Star Supermarket, noting that when the tornadoes had come through, he had kept the store open until late hours of the night. He stated that another one of his heroes was Rev. Walter Peavey at WDJL Radio, noting that he had a radio show there on Wednesdays, where he talked about local events going on at the YMCA and at Star Market. He stated that Rev. Peavey was a blessing to everyone in the city.

Councilman Kling stated that Mr. Taylor worked with one of his heroes, Mr. Richard Kitchens at Star Market. He stated

that they did a great job out there, that Mr. Taylor was also a hero.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that there were all these other issues that were coming up, with complaints about the weather, et cetera, but he asked that as persons concerned themselves with all these other issues, they not forget there were U.S. military personnel dying in Afghanistan. He stated that he wished to respectfully acknowledge the four U.S. Army soldiers and the one United States Marine who had died in the war in the prior two weeks. He stated that as they celebrated things in the city and patted themselves on the back for doing things, as well as complaining about things, that persons should not forget that almost every day an American military person was dying in Afghanistan.

Mr. Cox stated that the Board of Directors of the Huntsville Chapter of Retired Federal Employees had tasked him with coming before the Council at this time to speak on behalf of all the membership in thanking Mr. Tommy Brown, who had come to their meeting earlier in the month and presented their program and talked to them about the functions of his department, especially the shuttle bus system and the Handi-Ride system, which he noted were two areas that were of great interest to these persons. He thanked Mr. Brown for giving them his Saturday morning.

Mr. Cox stated that over the years, as he had had issues

to arise in his neighborhood, as well as other parts of the city, he had been fortunate enough to have access to Ms. Marie Bostick when he needed access to her, with questions or problems. He stated that not only was she well-qualified for the position, but she had a disposition that you could talk to her and that she appreciated your concerns and gave credence to them. He stated that on behalf of his neighborhood, he wanted to say congratulations to her on her retirement, but, most of all, to thank her for her service to the public.

Mr. Cox stated that as they had gone through this very bad winter, there had been times when Public Works employees, who picked up garbage and trash in his neighborhood, had perhaps missed a day, but still, no matter how cold it was, if the roads would permit, they were out in the neighborhoods picking up the garbage. He stated he wanted to recognize the public service of the Public Works employees who picked up garbage and trash in his neighborhood and stated that he was hoping every citizen would share this with the employees in their neighborhood.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that President Russell was her hero.

Ms. Reed stated that she wanted to thank Mr. Taylor for all the kind words he had said about different persons, noting that that meant a lot.

Ms. Reed congratulated Fire Marshal Jordan for his 38 years of City service. She continued that she also wanted

to congratulate Ms. Bostick, noting that she had worked in the Planning Department for 26 years. She stated that Ms. Bostick and Mr. Dallas Fanning had done some powerful planning over the years, noting that she had been there with them and had been calling and arguing with them, et cetera. She stated that Ms. Bostick was a person who could never be rattled, that she had never seen her mad, no matter how many questions she asked her. She stated that she always kept her cool and always did her job well and that she was certainly going to miss her.

Ms. Reed stated that she had a question concerning how long Holmes Avenue would be closed. She stated that she would like an estimate on this. She stated that she had turned around on that street so many times trying to get back to her house. She continued, concerning the streets downtown, that she hoped they were through with the brick streets in the downtown area, noting that she had thought they were through with that previously. She stated that persons should drive downtown two or three days and see if that was the way they were going to be left.

Ms. Reed stated that someone had advised her that Old Madison Pike had been started and stated that she was very excited about this, after 17 or 20 years. She continued that she was certainly glad to hear that this was happening, although she had not seen it yet.

Ms. Reed stated that she had attended a Planning meeting recently and that there was an ordinance called "Urban Farms,"

noting that now they were going to allow livestock. She stated that it said, "including the growing of fruits, vegetables, and other plants, products, and the raising of livestock." She urged the Council members to read this, noting that they were making an amendment to every district in the city to allow crops, pigs, chickens, horses, cows. She stated that the chickens were a blessing compared to what she had read in this ordinance. She asked that the Council members not let this come before them without their knowing what was going on. She stated that she believed the Council members had read this before they let the chicken deal die and they were attempting to ease this in.

Ms. Reed stated that they could not let Ms. Bostick leave until they got this matter straightened out.

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

Councilman Kling read and introduced a resolution to reappoint Jim Batson to the Board of Examinations and Appeals for Construction Industries, for a term to expire September 21, 2015, as follows:

(RESOLUTION NO. 14-138)

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

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

members present.

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

President Russell nominated Lee Jones for reappointment to the Huntsville Public Library Board, for a term to expire February 10, 2018.

Councilman Kling nominated Michelle Cummings for reappointment to the Community Development Citizens Advisory Council, for a term to expire April 28, 2017.

Councilman Kling nominated Britt Birdwell for reappointment to the Madison County Communications District Board, Place 6, for a term to expire April 30, 2018.

Councilman Kling nominated Teresa Bingham for appointment to The Medical Clinic Board of the City of Huntsville-1966, for a term to expire March 10, 2020.

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

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

(RESOLUTION NO. 14-139)

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

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

President Russell asked Councilman Kling if he had a Finance Report at this time.

Councilman Kling replied in the negative.

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

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

Harry Garber to the Board of Zoning Adjustment, for a three-year term to expire March 9, 2017.

David Branham to the Board of Zoning Adjustment, for a three-year term to expire March 9, 2017.

Johnny Ozier as a Supernumerary Member of the Board of Zoning Adjustment, for a partial term to expire March 9, 2016.

Jennifer Nelson as a Supernumerary Member of the Planning Commission of the City of Huntsville, for a partial term to expire October 20, 2014.

Mayor Battle stated that the past few weeks had been busy weeks, that there had been a lot going on. He continued that No. 1 had been that they had learned Ms. Bostick was going to leave and go to the Land Trust. He stated to Ms. Bostick that she certainly would be missed and thanked her for the great job she had done. He stated that she had been a super department head for him and had handled much of the business for the City for the five years he had been in office. He stated that he could not ask for anyone to have done a better job. He stated that he was glad she was going to a job she would really love

at the Land Trust but that she would be greatly missed.

Mayor Battle stated that there was a bike symposium going on at the Von Braun Center on this day and the following day, noting that it was Alabama's first bike symposium, sponsored by the Alabama Bike Association.

Mayor Battle stated that the prior week had been a pretty good week, that on Monday they had announced that Remington would be coming to the city, with 2,000 jobs. He stated that this had been a real team effort, that it took the Council working together, the County Commission working with them, as well as the Chairman of the County Commission, and that it had taken the Limestone County Commission and the City of Athens and the Morgan County Commission. He stated that they had had a great group to work across the board. He continued that TVA had also come in and helped with the process, and also the Alabama Department of Commerce and the Governor's office had stepped in. He stated that through this team effort, they ended up with a company coming in that was going to expand to the area and provide 2,000 jobs, with a total of \$110 million in payroll for the area, and that they would invest more than \$100 million into the plant.

Mayor Battle stated that it had been a good Monday, and that on Tuesday they had had the announcement of the 3 millionth engine made at the Toyota Motor Plant, the only Toyota plant in the world, under one roof, where they produced four different Toyota engines. He stated that they had also

opened their V6 production on that day, noting that they would be hiring an additional 125 persons for this.

Mayor Battle stated that on Wednesday, Thursday, and Friday, they had had the Association of the U.S. Army in the area, with 6500 people. He continued that there were 200 companies that were exhibitors and that over half of these companies were not from Huntsville, and that they were, as they called them "likely suspects." He stated that one might not realize how big an impact that would have, bigger than the first two events that had happened earlier in the week. He continued that the spin-off effect of those persons coming to Huntsville, Alabama, and seeing what was done here, and seeing the community, would give them a leg up on the next round of recruitment, the next round of BRAC, and expanding the arsenal. He stated that it certainly had been a good week.

Mayor Battle stated that during the past several weeks, he had been visiting the schools that were labeled by the Alabama Department of Education, and labeled according to some legislation through the Alabama Legislature, as "failing schools." He stated that he could say that those schools were certainly not failing. He stated that two weeks prior he had gone to Dawson Elementary, and he had gone to Davis Hills Middle School a week prior, and the current week he had gone to Chapman Middle School. He stated that he would continue going around to these schools. He stated that he could assure persons that these schools were well-disciplined, that their

administration was running a great school, that the teachers were in there teaching passionately, that they used one-to-one technology to provide a superior education. He continued that also they were using the STAR system of accountability, to make sure that there was a year's worth of education out of a year's worth of instruction.

Mayor Battle stated that he would not hesitate to put his child into any one of the schools he had visited. He stated that he was going to continue to visit the schools, noting that Kenny Anderson, the Director of Multicultural Affairs for the City, was accompanying him on these visits. He stated that they were going to be able to tell the good stories, the stories of the system. He continued that they had heard some good stories at Grissom two weeks prior, about a school that was one of the top schools in the nation. He continued that they were 8th in mathematic competitions across the country, their ATC scores were higher than any of the other schools in the area, and they had more Presidential Scholars than some of the other schools that persons would classify as great schools.

Mayor Battle stated that there were some great things happening in the school system at this time and he believed it was time they came out and talked about it, so that was what they were doing at this time.

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

Councilman Showers stated that he had attended a

ribbon-cutting earlier in the day at the Harris Home, noting that they had the new facility on Church Street, a recreational center and residential hall.

Councilman Showers stated that he had had breakfast earlier in the week with the Madison County Commission, its Chairman, and Mayor Battle, that both groups had come together to talk about mutual relationships.

Councilman Showers stated that earlier in the day he had attended Fire Marshal Joe Jordan's retirement reception.

Councilman Showers stated that on the following day at 9:30 a.m., there would be the groundbreaking for the new named Jemison High School. He stated that this was on Pulaski Pike, adjacent to the Fire Department.

Councilman Showers stated that he would be attending the Delta's Cluster on the following day, noting that they would have their welcome program at the Marriott at 6 p.m.

Councilman Showers stated that he would be attending the 30th anniversary celebration of Pastor T.C. Johnson and the gala banquet on Friday evening at 7 p.m., at the Von Braun Center.

Councilman Showers stated that District 1 would be holding its town meeting on Monday, March 3, at the Showers Center, at 6 p.m. He continued that the topic of discussion would be school zoning. He stated that his concern at this time was for all the schools to be quality schools, for all the schools to have high academics. He stated that he looked forward to

discussing more of this issue and giving the public an opportunity to express themselves as it related to their school district and the school system.

Councilman Olshefski thanked Mr. Cox for bringing persons back to earth and remembering the soldiers who were fighting for their freedom. He stated that he did not believe the word "freedom" was used enough at this time and that he appreciated Mr. Cox always bringing this up.

Councilman Olshefski stated that earlier in the day he had learned more than enough about beavers from Shane Cook. He stated that there were issues down in his area where water was a problem and that there were a lot of beavers there, and they were working on this situation.

Councilman Olshefski stated that it had been an honor to attend an event with Mayor Battle earlier in the week. He stated he was proud to be with him when he went to places like Chaffee and told a story. He stated that this was very well done and stated that he appreciated his being there. He stated that the story that Mayor Battle had told should be told more often because it was part of their problem. He stated that they had issues but everyone had issues. He stated to Mayor Battle that he felt they had a good thing going and he appreciated his being out front and attending events such as he had mentioned.

Councilman Olshefski stated that he did not know Fire Marshal Jordan very well but he knew persons who had worked for

him. He continued that persons were judged mostly by the persons who worked for them, what they thought of you. He stated that he had talked to the folks he had mentioned recently and that they were really aware that they were losing something special in Fire Marshal Jordan. He continued that he was an excellent mentor for the fire personnel that worked for him. He stated that he had trained some personnel that he felt would do fine in following in his footsteps and keeping it going.

Councilman Olshefski stated that if persons wanted to know what "right" looked like in a major organization, Marie Bostick was what right looked like. He stated that he was not certain in 27 years in the Army and 5 years since he had been out that he had ever run into anyone that was as qualified and was such a great staff officer as Ms. Bostick. He stated that he would welcome her being on staff he was on any day, any time, any place. He stated that what was great about her was that she never got riled, that although she might be riled inside, on the outside she handled it quite well. He stated that she had represented the City tremendously.

Councilman Olshefski stated what he liked about Ms. Bostick the most was that she followed the book really well, but when one was very tired of hearing the book, that this was the way it was, she would work with you in any way she could.

Councilman Olshefski stated to Ms. Bostick that he

certainly appreciated everything she had done, noting that she was a true blessing to a person such as himself coming onto the Council. He stated that he was looking forward to her going to the Land Trust, noting that he would join it as a member.

Councilman Kling stated that earlier in the day there had been more news about the school system and the rezoning plan and the school system and the Department of Justice. He stated that he was aware that everyone understood that the School Board, and not the City Council, ran the school system, that the School Board made the decisions, and worked on all these things. He continued that after the dust cleared on whatever shape or form this rezoning ended up in, it appeared there were going to be numerous empty schools throughout the city, including as many as three in West Huntsville.

Councilman Kling stated that after everything had settled down on this issue and they knew what the actual rezoning plan was going to be, he would like to see if they could have a work session and get the City folks and the School System folks together to talk about the impact these empty schools were going to have on neighborhoods and see if they could come up with a plan of action as to how these facilities would be used. He continued that empty schools were not good for neighborhoods, regardless of in what part of the city they were located.

Councilman Kling stated that they did not know how long it was going to be until this issue would be finally resolved, but

he believed it was something that would be important not only to West Huntsville but also to many neighborhoods throughout the city.

Councilman Kling asked if Mr. Shane Davis was present in the Council Chambers.

Mr. Davis appeared at the microphone.

Councilman Kling stated he believed Mr. Davis was aware that there had been some problems the prior few weekends with some noise resulting from the emptying of dumpsters that had been impacting the Mayfair and Midtown neighborhoods. He stated that along L&N this appeared to be happening more often on weekends. He stated that he had talked to Mr. Davis concerning this and he believed Mr. Davis had a plan of action to basically prohibit this, so that there would not be construction noise before the hour it would be allowed, and they were not going to have dumpster trucks emptying earlier than they were supposed to.

Mr. Davis stated that, as Councilman Kling was aware, he and Councilman Kling had worked on the previous Saturday morning with some residents that had some concerns. He stated that on Monday morning, the City departments involved in this had held meetings and conversations with the general contractor to reiterate this, and that he believed the problem had been taken care of.

Councilman Kling stated that there was another issue on L&N Drive, noting that there had been some interest from the

Midtown neighborhood, and he believed there had been discussions, about the truck routing of delivery trucks to the new Walmart when it was constructed. He asked if Mr. Davis could comment on this.

Mr. Davis stated that they had had conversation with Walmart Logistics and that currently there was a proposal going through the home office. He stated that it appeared that the truck traffic would access the new location from the Memorial Parkway service road and from L&N Drive. He stated that the public might not be aware that L&N Drive came out on the Parkway service road just north of Airport Road. He stated that they had committed that they would not be using Drake and L&N, noting that he believed this had been a concern of the Midtown Association. He stated that Walmart would be providing them a letter to reassure them concerning this.

Councilman Kling stated that he believed the concern at Drake and L&N was making a 90-degree turn and going into other lanes of traffic. He continued that he believed this was the traffic hazard that persons were worried about.

Councilman Kling stated that he had another issue that perhaps might be more in Mr. Tommy Brown's area or with the Police Department. He stated that there had been signs posted on Center Avenue at Whitesburg, "No Left Turn." He stated that the signs had been posted by the Transportation Department a couple of weeks prior and he was getting reports from the neighborhood that there were still persons making left-hand

turns even though they were not supposed to. He asked if they could get some enforcement on this, if they could get the Police Department involved. He reiterated that these signs were posted and stated that after two weeks, he felt persons should see they were not supposed to make a left-hand turn at that location.

Mr. Tommy Brown, Director of Public Transit, appeared before the Council, stating that he would discuss this with Chief Morris and make sure they handled it. He continued that his personnel were still in the area regarding the parking.

Councilman Kling asked Chief Morris if he would like to add anything to this. He stated he was aware that Officer Roberts had had some involvement in this matter.

Chief Morris stated that he would get with Mr. Brown and that when his persons were finished, they could certainly enforce the ordinance. He stated that the signs needed to be there for a while.

Councilman Kling reiterated that the signs had been there for two weeks and that persons in the neighborhood had watched persons make the left-hand turn onto Whitesburg.

Chief Morris stated that they could put someone out there to take care of this.

Councilman Kling thanked the persons who had attended his town meeting on the prior Monday, noting that they had a lot of input about road resurfacing and some streets that Mr. Hatfield had received the names of. He continued that Mr. Hatfield had

been rating these and seeing what he could do concerning them. He stated that they certainly appreciated this. He continued that when the weather warmed up, there would be resurfacing throughout the city and that he believed this would certainly be a good thing.

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

President Russell moved for approval of Ordinance No. 14-83, approving the following street name change: a portion of Veridian Way, SE, to be renamed Bluff View Drive, SE, which ordinance was introduced at the February 13, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-83)

Said motion was duly seconded by Councilman Showers.

President Russell asked Ms. Bostick for an explanation of the above ordinance.

Ms. Bostick stated that this street was located on Green Mountain in Inspiration Subdivision, and that the request by the developer was to rename a portion of Veridian Way as Bluff View Drive. She stated that there was originally a developer who had named this street "Veridian Way," but since that time it had been purchased by a different developer and that he would like to call it "Bluff View Drive." She stated that there were no addresses on this street, so that it would not affect any existing homes. She stated that the northern part of the road had already been named Bluff View Drive, so

that this really just cleaned up the matter. She stated that the Planning Commission had recommended approval.

President Russell called for the vote on Ordinance No. 14-83, and it was unanimously adopted by the Council members present.

President Russell moved for approval of Ordinance No. 14-84, regarding the naming of Holladay Boulevard, which ordinance was introduced at the February 13, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-84)

Said motion was duly seconded by Councilman Showers.

President Russell recognized Ms. Bostick.

Ms. Bostick stated that this was a new road that was located between Highway 72 West and Browns Ferry Road. She stated that it was proposed to be called "Holladay Boulevard." She continued that the property owners that owned the road were named "Holladay." She stated that this was spelled differently from Holiday Drive in Huntsville. She continued that, also, this was in Limestone County rather than Madison County.

President Russell asked if it was correct that the spelling was H-O-L-L-A-D-A-Y.

Ms. Bostick replied in the affirmative.

President Russell called for the vote on Ordinance No. 14-84, and it was unanimously adopted by the Council members present.

President Russell moved for approval of Ordinance

No. 14-85, annexing land lying on the west side of Christopher Drive and north of US Highway 72 West, which ordinance was introduced at the February 13, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-85)

Said motion was duly seconded by Councilman Showers.

President Russell asked Ms. Bostick for an explanation of the above ordinance.

Ms. Bostick stated that this was an approximate 3-acre tract of land, located on the west side of Christopher Drive. She stated that there was an existing single-family home on the property and the owners had requested annexation for fire service.

President Russell called for the vote on Ordinance No. 14-85, and it was unanimously adopted by the Council members present.

Councilman Showers moved for approval of Ordinance No. 14-86, annexing land lying on the west side of Nick Fitchard Road and west of Research Park Boulevard, which ordinance was introduced at the February 13, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-86)

Said motion was duly seconded by Councilman Kling.

President Russell asked Ms. Bostick for an explanation of the above ordinance.

Ms. Bostick stated that this was a 2-acre tract of land,

indicating the area on a displayed map. She stated that it was proposed for commercial development, and that it was just to the west of Highway 53.

President Russell asked Ms. Bostick if she knew what type of commercial development it would be.

Ms. Bostick replied in the negative.

President Russell called for the vote on Ordinance No. 14-86, and it was unanimously adopted by the Council members present.

Councilman Showers moved for approval of Ordinance No. 14-88, amending Ordinance No. 10-676, Fee Schedule, for Animal Services Center, which ordinance was introduced at the February 13, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-88)

Said motion was duly seconded by Councilman Olshefski.

President Russell asked if Dr. Hill was present.

Dr. Karen Hill, Director of Animal Services, appeared before the Council, stating that the fee schedule was being adjusted to simplify the adoption fees and to allow some flexibility so that they could have animal specials, so that during the middle of kitten season, they could reduce their price on kittens. She stated that this worked very effectively.

President Russell called for the vote on Ordinance No. 14-88, and it was unanimously adopted by the Council members present.

Councilman Showers moved for approval of Ordinance No. 14-89, amending Article I, Chapter 5, Section 5-1, Article II, Division I, Chapter 5, Sections 5-41, 5-73, and 5-74 of the Code of Ordinances of the City of Huntsville due to new wording, changes in adoption and redemption rules and regulations, in re Animal Services, which ordinance was introduced at the February 13, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-89)

Said motion was duly seconded by Councilman Olshefski.

President Russell stated to Dr. Hill that Ms. Reed had thought they were slipping chickens into this ordinance and asked her if she could assure Ms. Reed that this was not correct.

Dr. Hill stated that she had told her that it was not about chickens, that it was no chickens, only dogs and cats.

President Russell asked Dr. Hill if she would explain this.

Dr. Hill stated that it changed some of the adoption language that was actually written into the ordinance and not associated with the fee schedule, and that it also allowed them, when someone bought a particular license, and their pet had not been fixed, and thereafter they showed proof that it had been fixed, they were able to award them with a free lifetime license. She stated that this helped make the ordinance more user friendly for their shelter.

President Russell called for the vote on Ordinance No. 14-89, and it was unanimously adopted by the Council members present.

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

President Russell read and introduced Ordinance No. 14-140, annexing land lying on the west side of Dug Hill Road and north of Raintree Road.

President Russell read and introduced Ordinance No. 14-141, annexing land lying on the north side of Mohawk Road and west of Taylor Road.

President Russell read and introduced an ordinance to amend Ordinance No. 89-79, Classification and Salary Plan Ordinance, as follows:

(ORDINANCE NO. 14-142)

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

AYES: Olshefski, Kling, Showers, Russell  
NAYS: None  
ABSENT: Culver

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

present.

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

President Russell asked if Mr. Byron Thomas, Director of Human Resources, was present.

Mr. Thomas appeared at the microphone.

President Russell asked Mr. Thomas why the Council needed to act on this ordinance at this time and, also, what it concerned.

Mr. Thomas stated that this was an ordinance to amend the City's Classification and Salary Plan to add a new position in Traffic Engineering, that it was the Deputy Director of Traffic Engineering position. He stated that the department was requesting unanimous consent for this item so that it could be acted upon, in order to make sure they had efficient operation of the department as they moved forward, based upon some possible staffing needs.

President Russell called for the vote on Ordinance No. 14-142, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action. He reiterated that 15.a on the agenda had been deleted.

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of

Elizabeth Owens, as follows:

(RESOLUTION NO. 14-143)

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

President Russell read and introduced a resolution authorizing the Mayor to accept a grant from the Alabama Department of Homeland Security, as follows:

(RESOLUTION NO. 14-144)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the Morgan County Sheriff's Office and the City of Huntsville for the donation of a drug detection dog to the Morgan County Sheriff's Office, as follows:

(RESOLUTION NO. 14-145)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 12-768, by changing appropriated funding within various departments and funds, as follows:

(ORDINANCE NO. 14-146)

President Russell moved for approval of the foregoing

ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute a Special Employment Agreement with Veena Kaul, as follows:

(RESOLUTION NO. 14-147)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Special Employment Agreement with Carlos L. Bowden, as follows:

(RESOLUTION NO. 14-148)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with OMI, Inc., for Engineering Services for Risk Assessment and Environmental Covenant for the Relocation of Wynn Drive, Project No. 65-14-SP19, as follows:

(RESOLUTION NO. 14-149)

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

President Russell read and introduced a resolution

authorizing the Mayor to modify the agreement with Brasfield & Gorrie, L.L.C., for Project Management Services for Redstone Gateway Package I and Package J, Project No. 65-13-SP20, by Modification No. 2, as follows:

(RESOLUTION NO. 14-150)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with ADS Environmental Services - A Division of ADS, L.L.C., for Engineering Services for InfoNet Integration for CMOM Management, Project No. 65-14-SP13, as follows:

(RESOLUTION NO. 14-151)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Construction Administration Services for 2014 Water Pollution Control Sanitary Sewer Rehabilitation, Project No. 65-14-SP14, as follows:

(RESOLUTION NO. 14-152)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for 2014 On-Call Surveying Services, Project No. 65-14-SS05, as follows:

(RESOLUTION NO. 14-153)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Sharp Communication, Inc., for Technical Services for Support and the Installation, Repair, and Maintenance for Network Panels and Appurtenances associated with the City's SCADA Network, Project No. 65-14-SP12, as follows:

(RESOLUTION NO. 14-154)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Johnson & Associates Consulting Engineers, L.L.C., for Feasibility Study for Potential Fill Site north of Old Highway 20, Project No. 65-14-SP11, as follows:

(RESOLUTION NO. 14-155)

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

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into a contract with Family Services Center, Inc., to build up to 3 new houses, as follows:

(RESOLUTION NO. 14-156)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into Modification No. 1 to the agreement between the City of Huntsville and Family Services Center, Inc., as adopted by Resolution No. 13-439, to specify construction address, as follows:

(RESOLUTION NO. 14-157)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into Modification No. 1 to the agreement between the City of Huntsville and Family Services Center, Inc., as adopted by Resolution No. 13-440, to specify construction address, as follows:

(RESOLUTION NO. 14-158)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a contract with Gold Star Mortgage Financial Group Corporation, d/b/a Midtown Mortgage Company, as a participating lender for the Down Payment Assistance Program, as follows:

(RESOLUTION NO. 14-159)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and Dunn Building Company LLC for the construction of Lakewood Community Center roof, located at 3601 Kenwood Drive, as follows:

(RESOLUTION NO. 14-160)

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

President Russell read and introduced a resolution of the City Council of the City of Huntsville in support of House Bill 141 and the North Alabama Spay Neuter Clinic, as follows:

(RESOLUTION NO. 14-161)

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

President Russell read and introduced a resolution

authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 14-162)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement among the City of Huntsville, Alabama; Madison County, Alabama; the Industrial Development Board of the City of Huntsville; and Remington Outdoor Company, Inc., as follows:

(RESOLUTION NO. 14-163)

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

President Russell recognized Mayor Battle.

Mayor Battle stated that this was a cooperative agreement among many governments that had come together to make the Remington project work. He stated that the agreement had been crafted and written by Mr. Joffrion, the City Attorney, with assistance from Mr. Rod Kanter, who was the City's attorney in Industrial Development affairs. He stated that this agreement had included in it the incentives that were being given to Remington for bringing the 2,000 jobs to the city. He continued that the incentives for the City of Huntsville were in the amount of \$9.5 million. He continued that this purchased a building, which the City would have a mortgage on

over an 11-year period. He stated that there was a payment to be made by Remington on this but that each year that Remington reached their employment numbers, this payment would be forgiven. He stated that if they did not reach their employment numbers, the figure would be on a pro rata basis.

Mayor Battle stated that this was an agreement that had clawbacks for the protection of the taxpayers, noting, however, that Remington was a very honorable company and they did not expect to ever have to touch these clawbacks.

Mayor Battle stated that Madison County would be providing \$3 million of incentives for this project, and that over a 2-year period, there would be another \$2 million, which would be coming from Morgan County and Limestone County. He continued that this would be a total of \$14.5 million.

Mayor Battle stated that the City could feel pretty good about its investment, noting that the day after the building had been purchased for \$10.5 million, it had been insured for \$235 million.

Mayor Battle stated that the reason these incentives were done was because of benefits to the community, benefits that would come back to the city. He stated that Remington would invest more than \$100 million in the plant and \$110 million in payroll, year in and year out, as of the end of Year 8. He continued that they would ramp up between Year 1 and Year 8.

Mayor Battle stated that, as he had mentioned, they had worked with the State of Alabama, and that the State was

putting \$54 million in incentives into this. He stated that this provided jobs, long-term jobs, and that it also provided jobs in the area they had been looking for, being advanced manufacturing. He stated that there was quite a bit of advanced manufacturing in the city at this time, but the city was known for engineering and being rocket scientists, et cetera. He stated that, however, advanced manufacturing was very important to the city, noting that these were the production-style jobs, that they were high-tech production-style jobs and they required an educated workforce but that the workforce might be persons that would not necessarily be the persons who went to college or the people who ended up being the rocket scientists in the world.

Mayor Battle stated that this was something the City had been working for, noting that Toyota was advanced manufacturing and AdTran had some advanced manufacturing, as well as Teledyne Brown, and Raytheon, with their missile plant. He stated that the city was becoming known for advanced manufacturing, noting that when this was put together with the engineering and was tied together, that they could start a product, design a product, and make a product in Huntsville, Alabama, and then ship it out to the world market. He stated that when a city could do all three of these, it would have a very strong economy. He continued that that was why this was such an important project to the city.

President Russell asked Mr. Joffrion if he could explain

to the Council and the public what the process was in this matter, noting that the Council had had a meeting on February 17 and approved this and at this time they would again be approving it. He asked if there had been any significant changes between the contract the Council had approved on February 17 and the one they would be approving at this meeting.

Mr. Joffrion stated that in terms of substance, there had been no changes. He stated that, however, there had been some formatting changes because Remington had desired to remove any kind of duplicative language that might have existed in some of the exhibits versus what was in the draft of the agreement. He stated that they had eliminated this duplication, which he noted had changed the form of the agreement, although in substance it was identical.

Mr. Joffrion stated that in terms of the process, approval at this meeting, if approval would be obtained, was required in order to satisfy the requirements of Amendment 7-72 of the Alabama Constitution. He stated that under that amendment, because the City was providing money for private infrastructure improvements, there was a notification process, a publication process, that had to be met, and that in order to meet the time deadlines in this process, they could not have the Council approve the agreement under Amendment 7-72 until this meeting, noting that that was the earliest date possible. He continued that the action taken by the Council on February 17 was really

an expression of the Council's intent to comply with the requirements and to enter into an agreement but that it had not actually officially entered into an agreement on that date.

President Russell called for the vote on Resolution No. 14-163, and it was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and JRF Consulting, LLC, for on-call professional services, as follows:

(RESOLUTION NO. 14-164)

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

President Russell asked Mr. Joffrion who "JRF Consulting" was.

Mr. Joffrion stated that it was Dallas Fanning. He stated that those were actually the initials of his son, but that it was Dallas Fanning's company. He stated that this was the renewal of a consulting contract with Mr. Fanning.

President Russell asked for an explanation of the terms of the contract.

Mr. Shane Davis appeared before the Council, stating that this was an annual contract, and that it was on an as-needed basis. He stated that the term was 12 months, the cap was \$60,000, and the company would be used as needed. He continued that he would give an example of where these services had been

very crucial. He stated that the Council members would recall that back in the fall, they had been working on the Boeing project. He continued they might or might not remember that they had competed for the Dreamliner that went to South Carolina. He stated that Mr. Fanning had been part of that group and had a ton of history on how well they had competed and what their strengths were and what their weaknesses were on the Dreamliner that had allowed them to put together a better package.

Mr. Davis reiterated that this was as needed. He stated that he was aware Mr. Fanning had been working with the School Board some on redistricting, providing some history of the city's growth. He stated that this was critical at times, but there might be times when they did not need the contract at all.

President Russell called for the vote on Resolution No. 14-164, and it was unanimously adopted by the Council members present.

Mayor Battle stated that Councilman Culver had left the meeting to represent the City at Commissioner Harrison's meeting in the north end of town. He stated that they had felt they needed someone from the City there since they were addressing some City issues and Councilman Culver had agreed to do that for them.

Councilman Kling read and introduced a resolution authorizing a Cooperative Agreement between the City of

Tuscaloosa; the City of Florence; the City of Daphne; the City of Albertville; the City of Boaz; the City of Troy; the City of Huntsville; the East Alabama Recycling Partnership, by and through Auburn University; and the Alabama Environmental Council (A14-0052), as follows:

(RESOLUTION NO. 14-165)

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

President Russell asked Ms. McKee for an explanation of the above resolution.

Ms. McKee stated that this was to pursue grant funding through the Alabama Recycling Fund Grant program. She stated that, as had been mentioned, it was administered through ADEM, the Alabama Department of Environmental Management. She stated that this pertained to free media opportunities in all the markets of the partners they were looking at. She continued that all these cities would have an opportunity to have educational media spots run about recycling for free with this grant funding. She stated that there was no money nor obligation monetarily from the City of Huntsville.

President Russell called for the vote on Resolution No. 14-165, and it was unanimously adopted by the Council members present.

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

Mr. Walt Hennessey, 1002 Hogan Drive, appeared before the Council, stating that on behalf of the Spay Neuter Clinic, he wanted to thank the Council for passing the resolution concerning this earlier in the meeting. He stated that he would like to introduce Jane Jattusa, the Chairman of the Clinic. He thanked the Council on behalf of everyone who was on the Board.

Mr. Jerry Burnet, 2405 Greenhill Drive, appeared before the Council, stating that he would like to congratulate Mayor Battle and the Council for working with the State to help bring Remington into the city. He stated that he felt this was a good thing, that it would create some jobs.

Mr. Burnet stated he would like to ask them to work with the Governor and the State Legislators to help bring Affordable Healthcare to the citizens of Alabama. He stated that he was aware that each level of government had its own responsibilities, but that Affordable Healthcare was here to stay and that persons in Alabama would benefit from it. He stated that some people had their doubts about it, but that eventually every state in the nation would have Affordable Healthcare. He continued that the sooner the states got on board, the more benefit it would be to the people. He stated that in Alabama people were dying every day for lack of medical treatment. He stated that as one looked at the statistics, they could see that there were a number of citizens living in Alabama that could not afford healthcare, but the Governor was

refusing to accept the money that would benefit the city. He stated that the CEO at Huntsville Hospital had said that Huntsville Hospital was at risk and that the money would be of great benefit to the hospital.

Mr. Burnet stated that he was asking the Council and the Mayor to use their influence on the Governor to help bring Affordable Healthcare to the people of Alabama.

Ms. Jackie Reed again appeared before the Council, stating that the sales tax increase would take effect March 1, noting that persons should buy all they wanted on the following day.

Ms. Reed stated that she had heard at the County Commission meeting recently that there had been changes to the Remington contract, noting that she believed Mr. Joffrion had brought out some of this. She asked if the fact had changed that if the company hired 250 employees, it would be paid \$500,000. She asked who would pay this.

She stated that her other questions had not been answered earlier and that she was hoping someone might answer this one.

President Russell stated that Mr. Davis would get all the details to Ms. Reed concerning this matter.

Ms. Reed stated that she wanted to say that 70-something million dollars in incentives for 2,000 jobs was something she was questioning. She stated that New York had changed their gun laws about the same time Alabama changed their gun laws. She continued that she understood this project had been working quite awhile and that it was perhaps good, that she could see

good coming out of it, hopefully.

Ms. Reed stated that she would like to remind everyone about the ribbon-cutting on the following morning at 9:30 for Jemison High School, noting that this was something to look forward to.

Ms. Reed stated, concerning the City's spending and their big jobs and big ideas, that if they read the front page of the newspaper, they would see that there were cuts in jobs coming from Washington, so that they needed to slow down on the spending.

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

There was no response.

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

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PRESIDENT OF THE CITY COUNCIL

ATTEST:

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CITY CLERK-TREASURER