

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, MAY 9, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, May 9, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Culver, Olshefski, Kling, Showers (Councilman Kling not present at beginning of meeting)
City Administrator:	Reynolds
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Pastor Dennis R. Fakes, Sr., St. Mark's Lutheran Church, led the invocation; President Russell led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on April 25, 2013, were approved as submitted.

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

President Russell recognized Mr. Rex Reynolds.

Mr. Reynolds stated that Mayor Battle was out of town attending Leadership Alabama.

Mr. Reynolds asked Ms. Lynn Miles to come forward.

Mr. Reynolds stated that they had a proclamation for Safe Boating Week. He read from the proclamation proclaiming

May 18-24, 2013, as Safe Boating Week. He asked Ms. Miles to comment on this.

Ms. Miles stated that she was with the United States Coast Guard Auxiliary and that she and her husband, Richard Miles, were located in Guntersville, Alabama, but noted that in the Huntsville locality there were three flotillas that helped protect the waterways. She stated that one of their missions was to assist with the safety vessel check and that they worked with life jacket programs, to make sure that children had life jackets. She stated that their main job was boating safety. She continued that they asked that persons not drink while they were out on their boats and, also, to watch out for others and see if anyone needed any help, if they needed towing or were broken down. She asked boaters to watch out for other boaters and be safe during the upcoming summer months.

Mr. Reynolds asked Mr. Terry Hatfield, Director of Public Works, to come forward.

Mr. Reynolds stated that there was a proclamation for National Public Works Week. He read from the proclamation that the year 2013 marked the 43rd Annual National Public Works Week, sponsored by the American Public Works Association, and designating the week May 19-25, 2013, as National Public Works Week. He asked Mr. Hatfield to comment on this.

Mr. Hatfield stated that before he would get into that, he had some other things he would like to say. He stated that he had been with the City almost 38 years and that the department

heads and City employees were the best he had ever seen and had the pleasure of working with. He stated that the citizens should be proud of the services they received from the City employees.

Mr. Hatfield stated that he had three departments under him, Public Works, Landscape Management, and Cemeteries, and that this encompassed approximately 500 employees. He recognized many of these employees and expressed appreciation for their outstanding service. He commended Landscape Management particularly for their work with the ball fields in the city. He continued that Public Works consisted of Sanitation, Maintenance, and Construction, and commended the employees, stating that they never ceased to amaze him, that they were dedicated and professional.

Mr. Hatfield stated that when the Mayor had asked him to be the Director of Public Works, he was somewhat reluctant, but that once he had gotten down there, he had found out very quickly to just stay out of the way because these employees knew what they were doing, that there was nothing he could teach them or tell them about how to do their jobs. He continued that the Sanitation Division made 64,000 stops per week and the department might get two to five phone calls a week concerning this and that very seldom did they get calls concerning missed pickups. He stated that there might be late pickups at times, depending on the situation, but that it would be picked up.

Mr. Hatfield stated that he could not think of any department he would like to end his career in other than Public Works.

Mr. Reynolds stated that Mr. Hatfield was an awesome support mechanism not only for the citizens but for every department in the City and that he was much appreciated.

Mr. Reynolds asked Councilman Culver to join him for a proclamation for Community Action Partnership.

Councilman Culver asked Dr. Lee Gradford to come forward.

Councilman Culver stated that he would like to read the proclamation into the record so that the community would have a better understanding of what the Community Action Partnership did. He stated to Dr. Gradford that everyone was very grateful to him for his vision and leadership with this organization.

Councilman Culver read as follows: "Whereas Community Action agencies were created when the Economic Opportunity Act of 1996 was signed into law; and

"Whereas, Community Action agencies have a 49-year history of promoting self-sufficiency for the limited income; and

"Whereas, Community Action agencies have made essential contributions to individuals and families in Huntsville, Alabama, by providing them with innovative and cost-effective programs; and

"Whereas, Community Action agencies are needed as major participants in the reform of the welfare system as we know it; and

"Whereas, welfare reform in Huntsville, Alabama, has benefitted from the State's partnership with Community Action agencies; and

"Whereas, those of limited income continue to need opportunities to improve their lives and living conditions, thus ensuring that all citizens are able to live in dignity; and

"Whereas, Huntsville, Alabama, and the entire United States must continue economic security by providing support and opportunities for all citizens in need of assistance.

"Now, therefore, I, Tommy Battle, Mayor of the City of Huntsville, Alabama, hereby proclaim the month of May 2013 to be Community Action Month, in recognition of the diligent and dedicated efforts of the Huntsville-Madison County Community Action and agencies throughout the country."

Councilman Culver presented a copy of the proclamation to Dr. Gradford.

Dr. Gradford stated that on behalf of 1,000 Community Action agencies across the country and throughout other extensions of the United States, he would like to say that they appreciated the City for the recognition. He stated that the city would be hosting the Community Action Convention and Conference at the Marriott-Huntsville, May 14 through 16. He invited persons to stop by and see what was being done in this area, noting that there were 21 Community Action agencies in the state and that they covered every county in the state.

Dr. Gradford thanked the City for their support and also thanked Councilman Culver for serving on their Board, noting that he had replaced a stellar member, Councilman Showers. He stated that this support helped to make Community Action work.

Mr. Reynolds asked Dr. Leslie Pollard and Ms. Kisha Norris of Oakwood University to come forward.

Councilman Culver stated that it was an honor and a privilege for him to be able to present a proclamation to them, on behalf of Mayor Battle and the City of Huntsville.

Councilman Culver stated that he would like to read the proclamation into the record and read as follows:

"Whereas, on Monday, February 19, Oakwood University and its 1,939 students entered the Fourth Annual Home Depot "Retool Your School" Campus Improvement Campaign, along with 74 other historically black colleges and universities (HBCU's) from across the United States; and

"Whereas, this contest would award its \$50,000 top prize to the school that would both receive the most social media votes and propose the best improvements to its physical campus; and

"Whereas, Oakwood University's new Executive Director of Advancement and Development, Ms. Kisha Norris, engineered the under-the-radar social medial campaign that led Oakwood to reach out and engage its 7,800 fellow Seventh-day Adventist institutions worldwide, thus bringing further international awareness and recognition to the city of Huntsville, Alabama;

and

"Whereas, on last Friday, May 3, Oakwood University was declared The Home Depot \$50,000 top prize winner; and

"Whereas, Oakwood's national social media victory against 74 HBCU's, when coupled with the city of Huntsville winning in April the National Social Media Tourism Symposium contest against eight other prominent cities, now positions Huntsville as the "Social Media Capital of the United States;" and

"Whereas, these campus improvements will add more beauty to a Huntsville university campus that is already the recipient of 11 consecutive annual City of Huntsville Beautification Awards.

"Now, therefore, I, Tommy Battle, Mayor of the City of Huntsville, Alabama, hereby proclaim Friday, May 10, 2013, as "Oakwood University National HBCU Social Media Champions Day."

Councilman Culver presented a copy of the proclamation to Dr. Pollard.

Dr. Pollard stated that on behalf of Oakwood University, he wished to thank Councilman Culver and the City for its support of their campus located on 1100 acres in Northwest Huntsville, noting that they were very grateful for this.

Dr. Pollard stated that he would like to thank Ms. Norris, whom he noted was their captain, their quarterback, their engineer, and their orchestra leader, noting that she had done everything to drive the contest and that they were very grateful to her. He stated that they were also grateful to

The Home Depot Corporation for making available the funds for such a wonderful contest.

Ms. Norris stated that they were, of course, very excited to have won this \$50,000 prize. She stated that they would be building a pavilion by the pond with this money and stated that when it was completed, they hoped to have the Council and Administration out for some veggie burgers. She expressed appreciation for the recognition.

President Russell moved for approval of Resolution No. 13-244, recognizing the Nexus Energy Center, located on Old Madison Pike, for its contributions to the city since its inception on January 10, 2010, teaching and training businesses and citizens in the importance and economics of clean energy application, which resolution was introduced at the April 11, 2013, Regular Council Meeting, and postponed until this meeting, as follows:

(RESOLUTION NO. 13-244)

Said 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 recognized Councilman Culver.

Councilman Culver asked Ms. Ruchi Singhal and her staff to come forward.

Councilman Culver stated that he had been involved with Nexus Energy since its inception and that he was very proud of

what they were doing for the city.

Councilman Culver read from the resolution that Nexus Energy Center had been at work in the city since its inception on January 10, 2010, teaching and training businesses and citizens in the importance and economics of clean energy application. He stated that the Federal grants had eventually ended and plans were made to keep clean energy moving in Huntsville and that together with like-minded leaders, Nexus Energy Center had evolved from the vision of key leaders in the community and was established upon the conclusion of Huntsville Mayoral Green 13 initiatives. He continued that with no funds available and with an unpaid director, application to become a 501(c)(3) organization was an immediate need, noting that gaining this status would qualify Nexus for many grants. He stated that within six months the first grant had been won, and what was now the Worthwhile Investments Save Energy (WISE) Home Energy Program had been started. He stated that this success in establishing the WISE Program had led Nexus to two additional State Energy Program (SEP) grants to grow energy efficiency in Alabama. He stated that WISE helped homeowners across Northern and Central Alabama save energy. He stated that this program had been quickly embraced and the homeowners who participated began to discard the chains of high utility bills.

Councilman Culver stated that Nexus had progressed to providing rebates for approximately 800 homeowners who had

implemented energy efficiency improvements equal to \$4.89 million. He stated that these residential improvements had saved more than \$330,000 in energy dollars and were decreasing grid consumption by 20 percent, thus stimulating the economic impact of North Alabama while easing grid strain.

Councilman Culver stated that Nexus Energy Solution Center was an exciting feature, that it was a place for organizations and companies to hold training, brainstorm new energy ideas, host small trade shows, market their energy capabilities, and conduct meetings and conferences, that it was a unique space used to create visibility for partners in Alabama to cultivate the clean energy economy. He stated that through demonstrated success, Nexus had had continued growth, acquired additional staff, and increased its service territory, and was offering many new products.

Councilman Culver stated that the City Council and Mayor Battle wished to acknowledge, salute, and express special appreciation for the remarkable impact Nexus Energy was having in the community, and that they wished Director Ruchi Singhal, Daniel Tait, Megan McFerran, Sheila Stewart, the Nexus team of volunteers, and supporting organizations much success in delivering methods for a cleaner, energy-efficient city.

Councilman Culver presented a copy of the resolution to Ms. Singhal, congratulating her on these outstanding achievements.

Ms. Singhal expressed appreciation for the recognition,

stating that Councilman Culver, as well as the City and Mayor Battle, had been great supporters. She stated that they would like to say thank you to the entire community for their support and stated that they promised to continue to bring clean energy and energy solutions to Huntsville and the Greater Alabama area. She asked everyone to continue to support Nexus.

Councilman Showers read and introduced a resolution congratulating Ms. Brenda Martin, Multi-Cultural Affairs Officer, upon her retirement after 24 years of outstanding service to the Mayor's Office and the City of Huntsville, as follows:

(RESOLUTION NO. 13-334)

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

Councilman Showers read from the resolution, noting Ms. Martin's outstanding service to the City, stating that she had truly been a community servant, helping build and support the community. He stated that she had been serving as the Mayor's liaison to the existing neighborhood associations, as well as assisting in the development of new associations across the city. He stated that she provided leadership in collaboration with the city and county groups, to enable all to be inclusive and sponsor effective relationships throughout the community, where 142 different cultures resided.

Councilman Showers stated that during the prior 24 years, Ms. Martin had worked for three different mayors in the city. He enumerated many of her outstanding achievements, including being awarded the Outstanding Business Institute Award by the United States Small Business Administration, the Boys & Girls Club Volunteer of the Year in Alabama, and the Commissioner of the Year by Alabama Housing Authorities, as well as many other honors.

Councilman Showers presented a copy of the resolution to Ms. Martin, stating that she had had a tremendous impact on the city and that Huntsville was a better place because she had served the city for 24 years.

Ms. Martin expressed appreciation for the recognition, stating that it had been a wonderful journey with the City. She thanked the Council and the Administration, as well as the department heads and other City employees, for her experience with the City.

Ms. Martin stated that she was happy to be able to pass the torch to the young man who was replacing her, Kenny Anderson, stating that she knew he would be able to take the position to the next level and do great things.

(Councilman Kling is now present in the Council Chambers.)

Councilman Showers read and introduced a resolution congratulating Ms. Paula Montgomery Rodney, who was crowned Ms. Wheelchair Alabama 2013 on March 30, 2013, in Birmingham, Alabama, as follows:

(RESOLUTION NO. 13-335)

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

President Russell recognized Councilman Showers.

Councilman Showers read from the resolution, noting that Ms. Rodney had been crowned Ms. Wheelchair Alabama 2013 on March 30, 2013, in Birmingham, Alabama. He stated that Ms. Wheelchair, Alabama, Inc., had been created as a non-profit organization to recognize the spirit of all people, focusing on the appreciation for life and the spirit of those persons who used wheelchairs. He stated that the abilities, endeavors, and achievements of women who used wheelchairs were recognized and honored in the annual Ms. Wheelchair Alabama pageant. He stated that contestants for this were judged on their accomplishments, self-perceptions, communication, and projection skills in personal interviews, platform speech presentations, and on-stage interviews.

Councilman Showers stated that during Ms. Rodney's reign as Ms. Wheelchair Alabama 2013, she would serve as spokeswoman throughout Alabama, where she could foster awareness, acceptance, and understanding of disabilities among the general public through creating a value-added community. He stated that she would have the opportunity to travel across the state visiting advocacy groups, making public appearances, and conducting interviews. He stated that she would advance to the

Ms. Wheelchair American 2014 pageant, scheduled to be held July 15-21, 2013, in Houston, Texas. He stated that her motto was "Be passionate in service to others."

Councilman Showers presented a copy of the resolution to Ms. Rodney, congratulating her on this outstanding achievement.

Ms. Rodney expressed appreciation for the recognition, stating that being Ms. Wheelchair Alabama had given her a platform to go out and talk with persons about infinite possibilities. She stated that persons in wheelchairs wanted to boldly go where everyone else had gone before, that they just wanted to get in a door, that they just wanted to pull up to a table.

Councilman Showers read and introduced a resolution congratulating Dr. Terrell Harris, Jr., on his appointment to the position of Fourth Administrative Assistant to the Bishop, Alabama First Ecclesiastical Jurisdiction of the Church of God in Christ, as follows:

(RESOLUTION NO. 13-336)

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

Councilman Showers stated that he would present the resolution at a ceremony to be held on May 14, 2013, at 6 p.m. at the True Light Church of God in Christ, where Dr. Harris was the leader.

President Russell stated that Councilman Showers had

requested that a resolution be added to the agenda, noting that this was a resolution honoring the passing of Mr. Walter A. Joiner, Sr.

President Russell moved for unanimous consent to add to the agenda a resolution honoring the passing of Mr. Walter A. Joiner, Sr., which motion was duly seconded by Councilman Showers.

President Russell called for a roll-call vote on the above motion, and the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

President Russell stated that the above resolution would be placed on the agenda, as the next item for consideration by the Council.

Councilman Showers read and introduced a resolution honoring the passing of Mr. Walter A. Joiner, Sr., on May 5, 2013, as follows:

(RESOLUTION NO. 13-337)

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

Councilman Showers stated that he would be reading the above resolution at the final services for Mr. Joiner at the Lakeside Church on Meridian Street.

President Russell stated that he would be asking for unanimous consent on item 9.b.2 on the agenda, noting that this

was a nomination for appointment to the Educational Building Authority of the City of Huntsville-Oakwood College. He stated that the Authority had asked that this appointment be made at this meeting.

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 regarding Stratford at McMullen Cove Subdivision, for approval by the City Council as a private subdivision, pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance.

President Russell recognized Ms. Marie Bostick, Manager of Planning Administration.

Ms. Bostick stated that this subdivision was located in the western portion of McMullen Cove and that it was 11 acres, with 29 lots. She stated that the Planning Commission had recommended approval.

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

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, inquiring if this subdivision was a gated community.

Ms. Bostick replied in the affirmative. She continued that the roads were private and that also some of the utilities within the subdivision were private.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before

the Council, questioning why there had been no slides shown to depict some visual representation of the subdivision. He stated that because this was a private subdivision, he was very concerned about the amount of utilities that would have to be given to them, as infrastructure, for the subdivision to function as an integral part of the city. He asked that Ms. Bostick advise the public as to how this was being done, how the funding was being derived, or split up between the private subdivision and the City of Huntsville and Huntsville Utilities.

Mr. Timberlake asked that consideration of this resolution be postponed so that more information could be given on it prior to a decision being made.

President Russell asked Ms. Bostick to explain who would be bearing the cost involved in this.

Ms. Bostick stated that this was a portion of a larger development east of Hampton Cove, noting that subdivisions had been being developed in this area for several years and that this was just an extension of this private development. She stated that the developer would bear all the costs for the utilities and road improvements, all the development costs for the infrastructure within the subdivision.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution approving Stratford at McMullen Cove as a private subdivision, pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance, as follows:

(RESOLUTION NO. 13-338)

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

Councilman Showers stated that Mr. Timberlake was correct in that in the past they had had visible opportunities for the public to monitor these actions. He asked if there was any reason why that had not been done for this presentation.

Ms. Bostick stated that they typically had shown zoning actions but had not in the past shown subdivision information, but that she would be happy to do so for such presentations in the future.

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

President Russell stated that it was the time and place in the meeting for a public hearing regarding Sotheby Phase 2 at McMullen Cove, Resubdivision of Tract One of a resubdivision of a tract of Common Area in McMullen Place at McMullen Cove, for approval by the City Council as a private subdivision, pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance.

President Russell recognized Ms. Bostick.

Ms. Bostick stated that this subdivision was adjacent to the subdivision that was the subject of the previous action. She stated that this consisted of two single-family lots and a larger tract for a future clubhouse. She stated that the Planning Commission had recommended approval.

President Russell asked if there was anyone in the audience who wished to address the Council on this particular matter.

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution to approve Sotheby Phase 2 at McMullen Cove, Resubdivision of Tract One of a resubdivision of a tract of common area in McMullen Place at McMullen Cove, as a private subdivision, pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance, as follows:

(RESOLUTION NO. 13-339)

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

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

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

Councilman Showers read and introduced a resolution to set

a Public Hearing for Elliott Holdings, LLC, d/b/a Executive Connection, at the May 23, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-340)

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

Councilman Showers read and introduced a resolution to set a Public Hearing for suspension of licensure for Rolling, Inc., at the May 23, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-341)

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

Councilman Showers read and introduced a resolution to set a public hearing for suspension of licensure for Charlie's Sheet Metal, Inc., at the May 23, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-342)

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

Councilman Showers read and introduced a resolution to set a public hearing for suspension of licensure for Tommy's Pizza, LLC, at the May 23, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-343)

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

Councilman Showers read and introduced a resolution to set a public hearing on an ordinance rezoning property lying on the west side of Jordan Lane and south of Holmes Avenue from Residence 1-B District to Neighborhood Business C-1 District, at the June 27, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-344)

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

Councilman Showers read and introduced Ordinance No. 13-345, rezoning property lying on the west side of Jordan Lane and south of Holmes Avenue from Residence 1-B District to Neighborhood Business C-1 District.

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

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that first, as a veteran of the United States Army, he would like to respectfully acknowledge the 32 American soldiers, marines, and airmen killed in the war since March 1, 2013, as announced by the Department of Defense.

Mr. Cox stated that the current week was National Public Service Week. He stated that as a retired Federal Public Servant and a past president of the Huntsville Chapter of the

Active and Retired Federal Employees, he wanted to recognize the public service of the City employees, noting that during Public Service Week, the public service of the Federal, State, County, and City employees was recognized. He stated that he would especially like to recognize Public Works, and particularly the Sanitation Division, those employees who served his family so very well. He stated that he would also like to recognize the police officers who patrolled and responded to Bailey Estates and also the fire persons who responded to Bailey Estates. He continued that he would like to recognize Landscape Management, noting that they kept Patton Road, Drake Avenue, Bob Wallace Avenue, and other major streets in Huntsville looking so good, if they could only get some help from Community Development on trash dumpsters. He stated that he would also like to recognize the Transportation Department, especially the very friendly and helpful shuttle bus and Handi-ride drivers.

Mr. Cox stated that he hoped the City would show at this meeting their true appreciation of the public servants of the City of Huntsville by passing the longevity pay ordinance that was on the agenda.

Mr. Cox stated that he would like to revisit the situation of a group home in his community. He stated that in February he had brought this issue to the attention of the Councilperson who represented his area. He stated that there was a house that was once occupied by a retired military person and his

wife, and that they had passed away, and the house had been purchased by an organization called API, which had come in and concreted 98 percent of the front yard.

President Russell advised Mr. Cox that his time had expired and asked if he could finish up quickly.

Mr. Cox stated that he would postpone the issue.

Mr. Donald Taylor, 707 Cardinal Avenue, Madison, appeared before the Council, stating that he was appearing in support of a Pro-Life organization, for Ms. Kelly Manley, founder and president of the Huntsville Right to Life organization. He read a letter, as follows: "Dear Mayor Battle, Huntsville City Administrators, and Councilmen: The Huntsville Right to Life supports the efforts of the 40 Days for Life campaign and the Huntsville Pro-Life sidewalk counseling team, even though our organization's primary purpose is Pro-Life education. For many years the Pro-Life sidewalk counselors have reached out to women through love and compassion, by offering women emotional support, financial resources, and other alternatives to abortion. As a result, many women have chosen life over abortion and have returned to the sidewalk outside the Huntsville abortion business to thank the Pro-Life sidewalk counselors for their efforts there, often bringing photos of their babies. In addition, the Pro-Life sidewalk counselors have also helped many single mothers over the years. Furthermore, the Huntsville Pro-Life sidewalk counselors have maintained a good relationship with the Huntsville Police

Department for many years now. The Huntsville Right to Life views any attempts to deny women the opportunity to be fully informed about abortion alternatives to not only be unjust but also anti-woman. Abortion is a result of our society's failure to provide for the needs of women and children in America. Therefore, we are grateful for the Pro-Life sidewalk counselors for doing their part in addressing the needs of women in Huntsville and offering real solutions.

"We ask the City of Huntsville to kindly consider allowing the Pro-Life sidewalk counselors to continue with their beautiful mission in helping women and children in Huntsville. Thank you for your consideration. Sincerely, Kelly Manley, Founder and President, Huntsville Right to Life, huntsvillerrighttolife.org. Neither abortion nor the slavery of welfare are equal opportunity for women and minorities in America."

Ms. Analda Anglin, 120 Cherry Road, Madison, appeared before the Council, urging them to reconsider the proposed changes to the events ordinance because of its complexity and because it would take away the voice of the peaceful Pro-Life ministry that prayed outside the local abortion business. She stated that the proposed Special Events ordinance was complicated, at 24 pages. She stated that the City had a slide presentation to explain the changes and that this was 34 pages. She stated that this was a lot of documentation and that it did not resolve the disputed sidewalk space outside the local

abortion business. She stated that the existing arrangement was better.

Ms. Anglin stated that the Pro-Life ministry prayed to end abortion and that they offered supportive, non-judgmental, free help to expectant parents. She stated that they went to the scene, where they were needed, and that they gave parents information so that they could make a loving choice that would be best for their child. She stated that if her group were not allowed to be at this location, there would be no one to help these parents. She stated that when parents changed their minds and chose to not have an abortion, they came to her group with relief, with gratitude, with smiles, and frequently told them, "We didn't know what else to do."

Ms. Anglin stated that her group was able to give these parents the help they needed, that they volunteered to stop abortion. She stated that abortion was a billion dollar industry that was built on violence and deception, that abortion was not safe and it was not rare. She stated that in the past 40 years there had been more than 55 million abortions in the United States. She continued that in the state of Alabama, there were more than 10,000 abortions per year. She stated that in the past 10 years, at the Huntsville abortion business, there had been more than 15,000 children killed. She stated that a baby's heart began beating 18 days after conception and that abortion killed that baby and also ruined the baby's parents, physically, spiritually, and emotionally.

Ms. Anglin stated that if the Council passed the proposed changes, the City would be restricting the Pro-Life ministry and would be supporting abortion. She asked them to reconsider and remember the words of the Lord: "Whatsoever you do to the least of My people, that you do unto Me." She stated that in this case, the "least of His people" were the unborn children in the womb.

Rev. James Henderson, 181 Henderson Road, Priceville, appeared before the Council, stating that he was a minister of the International Community of Charismatic Episcopal Churches and that he was strongly committed to Pro-Life and to the Gospel of Jesus Christ.

Rev. Henderson stated that he stood for life, that he had for a long time, that in 20 years of Pro-Life ministry, he and his wife had worked together and had held the City Permit for sidewalk counseling and prayer since the beginning, when it was required. He stated that he had never seen such a mess as they had in the city at this time, with a situation that had actually gained national recognition and attention because of the conflict that had been brought by so-called Pro-Choice people.

Rev. Henderson stated that he hated to bring the next subject up at this time, but that, as he had said previously and was respectfully saying again, he was concerned about the new Events Ordinance interfering with freedom of religion and freedom of speech. He stated that his group had to counsel,

that they had to pray, at the sidewalk, that it was not an option, that it was a moral requirement, a requirement of God's law.

Rev. Henderson asked if the ordinance were passed, if his group would be allowed to be at the abortion facility any time abortions were being performed. He continued that his group thought this was a simple and reasonable request, noting that they had asked this question repeatedly and no one had been willing to answer it. He stated that at the prior Council meeting, the Chief of Police had said that one of his options would be to take his group off the sidewalk for six months and to allow the Pro-Choice people to have six months. He stated that his group could not tolerate this. He continued that they had been advised by legal counsel that it most likely was not even legal to do this.

Rev. Henderson stated that if the Council passed this ordinance, the blood of innocent babies would be on their hands. He stated that this would send a message nationwide that Huntsville was anti-Pro-Life, that Huntsville was Pro-Choice. He stated that this did not reflect the opinions and the values of the majority of the people in Huntsville and the area. He stated that his group had heard the Council would pass this ordinance at this meeting and stated that if they did, it would be a shame, that it was a shame that the City Council would have been able to do something that the abortion clinic escorts had not been able to do in getting his

group off the sidewalks with their smoke pots, their obscenities, and their physical and verbal abuse.

Rev. Henderson stated that this matter was not over, that his group would be back.

Mr. Juan Benjamin, 126 Thoroughbred Trail, Madison, appeared before the Council, stating that he had moved to the area in 1986, after he had retired from the Air Force and obtained employment at The Boeing Company. He stated that there were many reasons for him to remain in Huntsville, that he had found it to be a very positive location to live and had loved being in the area. He stated that it was not until recently that he had found there were some negative things about the area.

Mr. Benjamin stated that he, as some of the other speakers, had been strongly Pro-Life and that three or four years prior he had started participating in the prayer vigils at the abortion clinic. He stated he had found that at that time they were losing dozens of babies every year at the Huntsville abortion clinic. He stated that he was also a Viet Nam Veteran, and that if he translated the statistics to Viet Nam, that in a 20-year period, they had lost one-third of the Viet Nam number of casualties. He stated that that was a lot of people they had lost, that across the country they had lost an entire generation of people.

Mr. Benjamin stated that he believed they had to take another look at the situation of abortion in the country,

asking if they could afford to lose another generation of people.

Mr. Benjamin stated that the sad part about this was that the babies had been killed by fellow Americans, whereas in Viet Nam there was a known enemy they were addressing. He stated that he had attended the prayer vigils at the abortion clinic regularly for the prior three or four years and noted that they were always clergy led. He stated that they had many different religions participating in these vigils and they had always been peaceful and had always offered assistance to the women who were considering abortion.

Mr. Benjamin stated that he believed it would be a very tragic loss when the City excluded these prayer vigils from in front of the abortion clinic. He stated that peaceful assembly had always been a major attraction of the country's form of government and asked if they were in a position at this time where they were willing to give up this peaceful assembly to address opinions that might differ from other persons' opinions. He asked what would happen when this privilege was lost.

Mr. Benjamin stated that many of the Pro-Life attendees were military active duty, and also retirees. He stated that these were persons who had spoken up in the past to defend these rights. He stated that they should make sure that everyone was given an equal opportunity to express their opinions.

Mr. Allan Dyer, 2607 Guenevere Avenue, appeared before the Council, stating that he was from a military family and had served in support of Operation Just Cause and Desert Storm, and that his son had deployed to Iraq and Afghanistan. He stated that as a service member, one had fewer Constitutional rights but served and fought to secure those rights for fellow Americans and others.

Mr. Dyer stated that he was retired at this time and that as an average civilian citizen, he would like to exercise the rights for which he had fought.

Mr. Dyer stated that they had talked about safety and fairness and noted there was nothing fair and safe about what was happening in the building at 612 Madison, where the slaughter of innocents occurred. He stated that it might be legal, but that it was not morally right, in the same sense that slavery was legal in this country, ironically declared so by the Supreme Court in the Dred Scott case, but not morally right. He stated that in the same sense that the government in Germany had killed Jews, it was legal but not morally right. He stated that legal slavery lasted 180 to 200 years in this country, and that legal abortions had lasted 40 years. He stated he hoped that righting this wrong would not take that long.

Mr. Dyer stated that he believed it was of tantamount importance that the ordinance did not in any way restrict his ability to exercise his Constitutional rights to free speech,

in association with others with similar views, to confront the Pro-Abortion position and side, noting that his group might very well change a few of their minds.

Mr. Dyer stated that, having served in the military, he had a strong sense of respect and fondness for the men and women in police uniform, noting that Huntsville's police were the finest anywhere. He stated that he had interfaced with several of them during the time he served in the military. He stated that, however, he had a problem when the police were put in an untenable position in the interest of special interests and political correctness.

Mr. Dyer stated that his group's presence outside the abortion clinic had been like a neighborhood watch program. He stated that he had seen an underage girl go inside the abortion clinic with two adults that were not her parents, noting that he was aware of this because he had asked them if they were her parents, and they had said they were not. He stated that he had pointed out this obvious violation, and that it had the potential for statutory rape, to the policeman on the premises, and the police officer had done nothing. He stated that he was stunned by this and that he was questioning whether he should call 911, but noted there was a police officer at the location.

Mr. Dyer stated that it appeared the police officer had a vested interest in being the abortion clinic's advocate by not investigating a potential violation of the law. He stated that he saw no reason why Visions, a strip joint, or a hard-core

liquor bar could not hire a policeman but an abortion clinic could, at discount prices. He questioned what had happened to the girl he had seen, stating that he did not know and that it still preyed on his conscience. He stated that she might very well be in a setting similar to one that had been seen earlier in the week in Cleveland.

Mr. Dyer stated that he did not want Huntsville, his town, to be on the wrong side of science, history, and God.

Ms. Kathryn Norlin, 14051 Carter Road, Athens, appeared before the Council, stating that she was speaking to the Council at this time as a representative of more than 160 persons who supported women's reproductive rights in the city. She stated that they would all like to voice their support for the new Events Ordinance.

Ms. Norlin stated that this group was a very diverse group of people, that it included both men and women, black, white, and just about every color in between; that they were atheists, deists, and Christians; they were artists, bookkeepers, and rocket scientists; and they were college students and great-grandmothers.

Ms. Norlin stated that many of her group had already spoken in favor of the Events Ordinance before the Council and that she would like to reiterate some of their points on behalf of all 160 members of this group. She stated that they supported the Events Ordinance in the spirit of freedom of speech and freedom of and from religion for all citizens, with

"all citizens" being the key, not just the wealthy or the influential.

Ms. Norlin stated that in the course of City governance, it was essential that leadership be fully nonbiased in securing the right to free speech and assembly for all citizens and that no tendency toward favoritism should be shown to any one group over another. She continued that no one person's right to free speech superseded another's, regardless of attempted justification.

Ms. Norlin stated that her group asked that with the adoption of the new ordinance, persons also keep in mind the set of rules and regulations that were associated with assembling on city sidewalks. She stated that rules broken must, as detailed in the ordinance, result in revocation of event permits for such groups or else there would be no incentive for any one group to obey the permit rules.

Ms. Norlin stated that implementing the new ordinance would allow all citizens the right to exercise their freedom of speech on city sidewalks, not just those who were opposed to women's reproductive freedom. She continued that it would also significantly improve a possible volatile environment when two groups were requesting use of the same public space.

Ms. Norlin stated that the proposed Events Ordinance included a number of beneficial changes for the city, for the Huntsville Police Department, and for the citizens of the city. She asked that the Council allow her to remind them that this

was not an abortion debate. She urged the Council to support all citizens and vote as soon as possible in favor of the proposed ordinance.

Ms. Carol Thompson, 3606 Timbercrest Drive, appeared before the Council, stating that she had hoped Mayor Battle would be present at the meeting. She stated that she lived right next to a creek, and that it was infested with snakes. She stated that she did not want to complain too much about the City's maintenance because they did a good job. She stated that every year she called and asked them to cut the flat piece of land behind her and to cut the ditch and that they did so, that they assisted her whenever she called. She stated that, however, she was having a big problem with the snakes.

Ms. Thompson stated that she wanted Mayor Battle to see if he could find any type of funds to assist in getting this creek paved. She continued that they could eliminate the chemicals that were being used every year for this problem. She stated that she had lived at this location for 17 1/2 years and that each year there was still a problem, and that they came out and spent money on chemicals, et cetera. She stated that she felt if they would go ahead and smooth pave the creek, they would not have this problem any more.

Ms. Thompson stated that there were small kids walking past the area from school, noting that Lakewood Elementary School was located at the back of the creek, and that the snakes could go all up in there, and the little kids would not

be watchful for them and could easily step on them. She stated that, also, the kids could get down in the creek. She stated that her house was the only house that was right at the creek, and that if a small child got bitten, they would try to run to her home, and that if they ran, the poison would pump to their heart, and that she would seriously doubt they would make it to her front door in time.

Ms. Thompson stated that she had asked Councilman Showers to come out and look at this situation, and that over the past week or so, he had also had other persons to come out and look at it. She stated that she really believed they were attempting to resolve this problem, but that her main thing was to ask if they could all work together and try to find extra funds to smooth out this creek.

Ms. Nancy VanValkenburgh appeared before the Council, stating that she owned the house at 108 Gates and that she wanted to talk about the Entertainment District.

Ms. VanValkenburgh stated that the house on Gates was on the Historic Register. She stated that it had been occupied as a residence since 1907, and that she had spent many dollars on trying to fix it up as a residence, noting that it was zoned Residential.

Ms. VanValkenburgh asked the Council to consider the homeowners in the downtown area. She stated that she was in favor of having things downtown, and that she liked the idea of the entertainment district, but she just wanted people to

remember to be considerate, to have fun but be considerate.

Mr. John Phillip, 163 Firestone Drive, Madison, appeared before the Council, stating that he wished to speak on some public safety issues involving the Pro-Life protests at the Huntsville abortion clinic. He stated that he would first like to report on the outcome of the Joyce Fecteau harassment case. He stated that, fortunately, at the recent trial she had been found not guilty of all charges, and that, fortunately, the trial had provided conclusive evidence that the actual harassers were a group of Pro-Abortion escorts who had repeatedly invaded the City-designated Pro-Life protest area with protest signs, while carrying a smoking stick of some kind of sage material.

Mr. Phillip stated that his group felt there should be some revocation of privileges at the abortion clinic. He stated that the Huntsville Police had done nothing to stop the continued movement of Pro-Abortion protesters onto the Pro-Life designated area, that they had done nothing after Councilman Kling had said there should be a stoppage of the use of harassment smoke. He stated that his group needed some public safety assistance at this location.

Mr. Phillip stated that he did not know how much things would change if the ordinance were passed. He continued that he would like to make two comments in that regard. He stated that the Pro-Life advocates would continue to protest the destruction of pre-born babies at the Huntsville abortion

clinic, that they would act within the law and whatever ordinances would apply, that they would act responsibly and maturely. He stated that if there was any aspect of the ordinance that unnecessarily or inappropriately limited their ability to assemble and protest, they would work with great zeal to have such limitation removed.

Mr. Phillip stated that in a separate communication, he had requested that a mid-level member of the Huntsville Police Department be designated to act as a link to the Pro-Life and Pro-Abortion advocates to arbitrate any conflicts. He stated that if the past was any indication of the future, such an arbitrator would be necessary. He stated that public safety must be administered on an equitable and timely manner for resolution.

Mr. Dean Johnson, 1503 Speegle Drive, appeared before the Council, stating that he appreciated the opportunity to express his opinions and beliefs.

Mr. Johnson stated that Norma McCorvey had wanted to get a divorce from her husband and she had gotten involved legally with an ACLU attorney by the name of Sarah Weddington, and that this had resulted in an infamous case called "Roe v. Wade." He stated that Norma McCorvey had later said that she felt it was safe to say that the entire abortion industry was based on a lie. He stated that this was the plaintiff in Roe v. Wade.

Mr. Johnson stated that this lie had caused 55 million lives to be snuffed out. He asked where was the conscience of

the nation.

Mr. Johnson stated that he would now get to the City Council ordinance, noting that the Council had heard people on both sides of this issue express their opinions, which he noted was good. He stated that the Pro-Life side had a lot of questions about the proposed ordinance. He stated that he had looked over the ordinance and that he also had a lot of questions about it. He asked how it was going to be implemented. He stated that he believed the Council had a responsibility to answer these questions before they would vote to implement the ordinance, that the questions needed to be answered beforehand. He asked if a Pro-Life protester would have to show up and protest and get arrested in order to know what the rules were and how they were going to be implemented. He stated that these questions needed to be answered.

Mr. Joshua Gilliam appeared before the Council, stating that he was a Reverend of The Church of the SubGenius, and that he was homeless. He stated that he was Pro-Life. He stated that his parents had taken one of his girlfriends to an abortion center, so this had been quite sensitive for him. He stated that he was also pro-suicide but that he did not think the babies had been able to live long enough to decide they didn't want to live anymore.

Mr. Gilliam stated that he had had some signs and that he was upset that a policeman had harassed him and tried to rip them off him and that he had had to file charges on that. He

stated that he had tried to call Mayor Battle but had not heard back from him.

Mr. Gilliam stated that he was a veteran, a homeless veteran. He stated that he felt that everyone should be able to express their views, although everyone might not agree with them. He stated that there had been a lot of talk about public safety and stated that there was a policeman standing right there because they felt he was going to get out of line by just stating his opinion.

Ms. Carol Henderson, 181 Henderson Road, Priceville, appeared before the Council, stating that because Pro-Lifers were on the sidewalk in front of the abortion clinic at 612 Madison, babies were saved from abortion. She stated that one saved baby was a potential generation of people. She stated that Pro-Lifers must be on that sidewalk every time the doors were opened.

Ms. Henderson stated that the Minor Event stated in the ordinance would not work for her group because the Pro-Abortionists had inside information on when the abortions were going to take place and the Pro-Lifers did not know when the abortions would take place.

Ms. Henderson stated that this ordinance gave the Police Department, the event administrator, the opportunity to remove her group, or not allow them on the sidewalk for a period of time, if they elected to do so. She stated that this would be a violation of their First Amendment rights.

Ms. Henderson stated that the current reservation that her group had, which the Police Department designed, had been working well and had established safety among all who were there, on both sides.

Ms. Henderson asked that the proposed ordinance not be voted on until an amendment could be drawn up specifically for Pro-Life demonstrations, because her group's events, unlike all other city events, brought together two opposing groups within the same public area. She stated that her group needed a special amendment to the proposed ordinance because their event was not like the other events. She asked the Council to adopt an amendment to the new ordinance for Pro-Life demonstrations that would allow her group to remain on the sidewalk in front of the abortion clinic when it was open for business.

Mr. Chris Dayton, 1906 Wooddale Drive, appeared before the Council, stating that the Council was getting to try Roe v. Wade all over again and that he did not envy them.

Mr. Dayton thanked President Russell for asking for the clarification about the gas masks at the previous meeting. He stated that this was an ordinance to talk about what was right and what was not right when people got together, through freedom of speech. He stated that one of the items that was in there was that they were making it illegal to wear gas masks. He stated that he did not believe he needed to wear one, but he felt that this was completely inappropriate.

Mr. Dayton stated that he appreciated that

President Russell had gotten this clarification but stated that what he was actually hoping for was that one of the Council members would perhaps make a motion that this was not what the Council would want in an ordinance. He stated that perhaps they could make a motion and talk about getting this dropped out of the ordinance. He stated that they were having a huge debate concerning this, but there was just this one thing that he did not believe was a precedent they wanted to set for the community.

Ms. Jo Petersen, 2005 East Tuliptree Drive, appeared before the Council, stating that she had given a handout to Ms. Stamper and that she believed she had distributed it to the Council members. She stated that she had some questions regarding the Events Ordinance she would like to ask and that she had just wanted the Council members to have the questions written out so they could hopefully be answered.

Ms. Petersen read the questions as follows: "(1) Is a permit holder responsible to see that the participants at an event under their permit abide by the rules of the ordinance? (2) If participants at an event do not abide by the rules of the ordinance, can or will the permit be revoked? (3) Specifically, what rules, if not followed, can cause a permit to be revoked? (4) If a business adjacent to the location of an event complains about the actions of the participants, can that permit be revoked? (5) What type of evidence is required to report rules violations by event

participants? (6) Who would one contact to report rules violations by event participants? (7) In the current ordinance, could a permit or reservation be revoked for disturbing the peace of businesses adjacent to where an event is being held?"

Ms. Petersen stated that she had an additional question that was not on the list: "Are there any penalties established in the new ordinance for violations of the terms of the permit?"

Ms. Frances Elaine Anderson, 13181 Sugar Plum Lane, Madison, appeared before the Council, stating that she found it a little unfortunate that the discussion around this Special Events ordinance had primarily centered on the abortion debate and who was doing what to whom. She stated that she felt the issues were a lot broader than that, and given the fact that this ordinance had been in preparation for four years, she did not think it was specifically designed for the abortion clinic controversy.

Ms. Anderson stated that in 1963, she was 11-years-old and her family lived in Gadsden. She stated that at that time in the city of Birmingham, there was a man who was the Commissioner of Public Safety who had achieved considerable notoriety. She stated she was 11-years-old, but she had never forgotten his name, and she doubted that very many persons in the room had, either.

Ms. Anderson stated that in the Special Events ordinance,

Section 23-237, in regard to denial of the right to public assembly, it stated that if the event required a diversion of such a great number of police officers that it would disrupt the normal provision of public safety, the permit could be denied.

Ms. Anderson stated that she would like to suggest that there had never been a significant public assembly that changed anything that did not require the diversion of law enforcement to handle such event. She stated that she had a question in regard to this and asked if finances were more important than citizens' basic right to public assembly. She asked if the City could not come up with some kind of resources for this. She stated that this was such a precious fundamental right and she could see the potential for abuse in the wording. She stated that she really wondered if Birmingham had enacted such an ordinance prior to 1963 and Bull Connor had oversight of both the fire chief and the chief of police if he would have been capable of justly administering it.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, recognizing the citizens who owned and ran the city and paid all the bills that were incurred. He thanked the Council for, at the prior Council meeting, taking one of the steps he had been asking them to do, being to put some new blood on the various boards so that there could be a new infusion of ideas, a new infusion of means, and a new infusion of people, and also the training of more people, so that there

would be a better cache of people they could call upon to do these jobs.

Mr. Timberlake stated that as he attended board meetings, there were two things he had noticed: the same persons got put in place over and over again, and most of the persons on these boards, with the exception of the Housing Authority, were all persons of wealth, power, and means. He continued that he found this a travesty.

Mr. Timberlake stated that earlier in the day, he had attended a meeting where rather than the board members doing their jobs, they were letting their lawyers ask him to leave the meeting so they could go into executive session. He stated that this was not the way business was supposed to be done.

Mr. Timberlake stated that he was again asking the Council to fix the computer system in the lobby so that he and other citizens could see who was up for appointment to the various boards. He stated that there were several appointments coming up in June and July, and that some of these persons had longevity on these boards. He asked them to entertain the idea of some fresh blood and some new ideas, noting that they needed some persons doing two terms so they could train newcomers, and then get them off and have a rotation, so they could have plenty of viable persons to serve.

Mr. Timberlake stated he would again like to thank the Council for what they had done concerning this at the prior meeting and stated he hoped they would continue that trend, and

that they would entreat Huntsville Hospital to make its committee meetings open to the public.

Ms. Sarah Kaderbek, 2609 Legacy Preserve Drive, Brownsboro, appeared before the Council, stating that she wished to speak as a Pro-Life supporter. She stated that because of her young age, many persons would assume that she was simply parroting her parents' beliefs. She stated that her parents were Pro-Life, but that as she had grown older, she had fully accepted these beliefs as her own. She stated that life began at conception, that scientific facts proved this. She continued that, thus, all human life must be protected from the moment of conception.

Ms. Kaderbek stated that in the prior few weeks, her eyes had become even more open as the horrible details of the Dr. Gosnell case unfolded and were publicized.

Ms. Kaderbek stated that the meaning of how abortions were carried out had become clearer to her, that is was as if there was a room that had a curtain down the middle, and that on the left side of the curtain, the lives of babies could be taken, and on the right side of the curtain, the lives of babies had to be protected. She stated that, actually, the curtain and the left side represented the womb of the pregnant mother, where the lives of babies could be taken, while the right side represented the outside of the mother, where the babies must be protected. She stated that there was no acceptable philosophical logic for legally permitting an abortion in this

country, that the justification for abortion was all artificial and unnatural. She stated that Huntsville should be horrified that abortions were taking place in the city.

Ms. Kaderbek stated that it was crucial and absolutely necessary that Pro-Life sidewalk counselors were present outside Huntsville's abortion center in order to help young women understand that they had other choices and to help them make the right choice and save their child's life.

Ms. Kaderbek asked the Council to do everything possible to help to protect human life.

Mr. Olly Orton, 1272 Becket Drive, appeared before the Council, stating that he wanted to speak concerning the Entertainment District and that he represented a handful of organizations, including Downtown Huntsville, Inc., the Arts Council, the Committee of 100, Charlie Sealy of Sealy Property Management, The Downtown 47, and the Huntsville Young Professionals.

Mr. Orton stated that he would like to read a letter for the record.

Mr. Orton read as follows: "As citizens and stakeholders of the city of Huntsville, and, more specifically, arising from our interest and concern for our downtown, we would like to share out input on the potential Entertainment District. We have been grateful for our inclusion in the Entertainment District discussions over the past few weeks and for the effort and care the City has invested in planning this district. We

have, individually and collectively, among our various members and supporters, discussed and researched Entertainment Districts at length. We believe that an expanded Entertainment District will bring increased livelihood, viability, and economic base to our downtown. We share an interest in an Entertainment District that is safe, clean, and inviting to all Huntsville citizens and tourists alike. Further, we understand the potential risks involved. We are aware of the need for additional resources and infrastructure from the City, and we are grateful the City sees this as an investment in growth of one of the most important assets. We support the "walk before you run" approach and the automatic 90-day review for expansion. However, we are united in our view that we should open the district with slightly expanded hours and days. With consensus, we would like to share our firm support for an Entertainment District that is open Thursday through Saturday, from 12:00 to 12:00. With this we also unanimously support additional sanitation support and police presence on the street level. Although our organizations have varying missions, we are in agreement that these proposed days, hours, and additional resources represent a minimum threshold for these districts to be successful. We will further our research and closely monitor the first 90 days of the Entertainment District, and with the assumption that all aspects of the district will be successful, we look forward to further expansion of that district. We are grateful to have the City

as a partner in our efforts in the community and in our downtown. We respectfully ask you to consider the days, hours, and the additional resources we are suggesting."

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she wanted to remind everyone that Sunday was Mother's Day and that love is the greatest gift of all.

Ms. Reed thanked the Council for recognizing Public Works and stated that because of the great leadership of Mr. Terry Hatfield, she had never called his department that there was not an immediate answer. She stated that they got on things and did a great job. She stated that all the employees in the City did a great job and stated that she agreed with Mr. Cox about the longevity pay, noting that it was time the City took care of its employees. She stated that the City had money for everything it wanted, and they should not tell her they did not have any money. She stated that they needed to take care of the people that took care of the citizens, noting that she believed in good basic services.

Ms. Reed stated that the Entertainment District was on her mind and that she was opposed to it. She stated that there had been a public hearing concerning this in the Council Chambers, and that she had been the only nobody sitting in the chambers, with the Art Museum, the Von Braun Center, the hotel owners, and all the persons in the clubs, et cetera. She continued that they had all had a public say about walking the streets and drinking.

Ms. Reed asked that the Council hold a public hearing when they set the vote on this on May 23 so that there could be public input as to what the citizens thought about walking the streets and drinking. She stated that this would cost money for police officers. She stated that they wanted the clubs but now they had a noise ordinance, noting that they could not have it both ways, that they could not sit outside and entertain, et cetera, and bring it all downtown and drink and party-hardy, while the persons in the condos were screaming about it, stating that they wanted to go to bed at night. She stated that she really believed they needed to take a good look about walking the streets and drinking, and that they should also provide the homeowners an opportunity to have some input on this.

Ms. Laura Bell, 173 Oldwood Road, appeared before the Council, stating that the city of Huntsville retained its wholesome way of life because of a tremendous respect for every life. She continued that, at the same time, the City had accepted the loss of lives of hundreds of scientists, teachers, clergy, shopkeepers, waitresses, and clerks at the Huntsville abortion clinic. She stated that, sadly, the national culture appeared to be on shaky ground because of the headlines where abortion providers were doing late-term abortions and giving no thought to the pain and life of an unborn child. She stated that every life must be cherished, that if respect for the life of the one-hour-old human embryo or the five-month old fetus

was abandoned, they were truly on the slippery slope that led to the abandonment of the law against murder, which she noted was based on the premise that life was a gift from God. She stated that she tremored for her community and her country when she reflected that God was just and that His justice could not remain at bay forever.

Ms. Bell urged the Council to personally and publicly work for positive change in society that would respect all life, through prayer, education, and standing up for values.

Ms. Bell stated that, in closing, she would like to quote Abe Lincoln: "Silence makes cowards out of the best of men."

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

Councilman Kling read and introduced a resolution authorizing the Mayor to execute a Tri-Party agreement among the Tennessee Valley Authority, the City of Huntsville, and Toyota Motor Manufacturing, Alabama, Inc., allowing Toyota to participate in the Valley Investment Initiative (VII) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-346)

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

President Russell asked Mr. Bill Yell of Huntsville Utilities for an explanation of the above resolution.

Mr. Yell stated that this was a Tri-Party agreement

allowing Toyota Motor Manufacturing to receive credits on its utility bill based on the Valley Investment Initiative. He stated that this was an economic development program that allowed them to get credits up to a certain amount each year for a five-year period.

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

AYES: Culver, Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the resolution had passed.

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

President Russell read and introduced a resolution to reappoint Robert L. Stagg to the Huntsville-Madison County Convention & Visitors Bureau Board of Directors, for a term to expire April 11, 2017, as follows:

(RESOLUTION NO. 13-347)

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

President Russell read and introduced a resolution to reappoint Ernest A. Young to the Huntsville-Madison County Convention & Visitors Bureau Board of Directors, for a term to expire April 11, 2016, as follows:

(RESOLUTION NO. 13-348)

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

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

President Russell nominated Natalie M. Smith for appointment to the Madison County Retardation Board, for a term to expire April 1, 2017.

President Russell stated that the next item on the agenda was a nomination to appoint Trevor Johnson to the Educational Building Authority of the City of Huntsville-Oakwood College, for a term to expire November 14, 2017.

President Russell stated that Oakwood College had requested that the above nomination be voted on at this time.

President Russell moved for unanimous consent to place a resolution to appoint Trevor Johnson to the Educational Building Authority of the City of Huntsville-Oakwood College, for a term to expire November 14, 2017, on the agenda, which motion was duly seconded by Councilman Showers.

President Russell called for a roll-call vote on the above motion, and the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

President Russell stated that the above resolution would be placed on the agenda, as the next item for consideration by the Council.

Councilman Showers read and introduced a resolution appointing Trevor Johnson to the Educational Building Authority of the City of Huntsville-Oakwood College, for a term to expire November 14, 2012, as follows:

(RESOLUTION NO. 13-349)

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

Councilman Showers nominated Dr. Camille Wright for appointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2016.

Councilman Olshefski nominated David Mathis for appointment to the Huntsville-Madison County Marina and Port Authority.

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. 13-350)

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

President Russell stated that the next item on the agenda was Communications from the Mayor. He asked Mr. Reynolds if he would like to comment at this time.

Mr. Reynolds stated that Mayor Battle had been honored to

present Ali MacGraw with a key to the city earlier in the week at an event that was hosted by the Huntsville Museum of Art.

Mr. Reynolds stated that on the following day in Downtown Huntsville, the City would assist in hosting a downtown scavenger hunt involving the Lucky Duck Trail festivities, along with the Convention & Visitors Bureau.

Mr. Reynolds stated that earlier in the week there had been a celebration of the Partnership for a Drug-Free Community, recognizing its 25th year serving the youth in the community.

Mr. Reynolds stated that on the prior Saturday, the Mayor's Bike Ride had been rained out. He stated that he wanted to remind everyone that this month was National Cycling Month and stated that the Mayor planned to do a proclamation concerning this at the next session of the Council.

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

Councilman Culver stated that on the upcoming Saturday, there would be a clean-up in the Sherwood Park community, noting that this was an annual event where they planted shrubbery, flowers, et cetera.

Councilman Culver stated that earlier on the agenda, there had been an appointment to the "Retardation Board" and stated that he would be willing to donate some of his travel money to change this and make it more politically correct. He stated that he understood the history of this and stated that at the

time it was appropriate but that he would like to see it changed to be more reflective of the community in 2013.

Councilman Culver stated that he had another item, which he noted was a no-win situation. He stated that this was on the agenda for this meeting and that he would like to use a few minutes of his time to address it. He stated that the Council was not attempting to retry Roe v. Wade, that this was not the proper place for it. He stated that he believed the Events Ordinance was specifically geared at any event, but that, fortunately or unfortunately, seemingly, it involved Pro-Life and Pro-Choice. He continued that he was really burdened with something but not because of Pro-Life or Pro-Choice.

Councilman Culver stated that he had been trying to get past this, but that it kept bothering him. He stated that this one thing was that if the City of Huntsville were not passing an Events Ordinance, would the Pro-Life group have been afforded an opportunity in 2013 that they had been afforded for the prior 20 years. He stated that his conscience was telling him yes, they would. He stated that this was not bothering him because of the stance that Pastor Henderson's group was taking, noting that if they were on the Pro-Choice side, this would be bothering him in the same way.

Councilman Culver stated that he had been doing a lot of in-depth cogitation on this and that his heart was telling him that while the Council was going to pass this ordinance, the

fair and equitable thing to do would be to allow the Pro-Life group the opportunity to continue with their activities through the end of the calendar year. He stated that if this ordinance were passed, he would like for the Council to delay the implementation of it until January 1, 2014.

Councilman Culver reiterated that this was not because Rev. Henderson's group was Pro-Life, that it was because that to him this appeared to be the fair and equitable thing to do.

Councilman Culver stated that he might be making a motion concerning this. He continued that he was aware that the Chief of Police was going to create some more concerns. He stated that he hoped that both the Pro-Life and Pro-Choice groups could somehow reach some kind of an amenable agreement to respect each other's rights and not clog the courts with cases. He stated that he hoped both groups could exercise their Constitutional right to peaceably assemble and express their opinions, et cetera. He stated that that was his wish and his desire for both groups.

Councilman Culver stated that he was really feeling that if the Council were not on the eve of passing an ordinance, the Pro-Lifers would have continued to exercise their Constitutional rights in 2013 as they had for the prior 19 years.

Councilman Culver stated that he might solicit his colleagues to join him not in postponing the passing of the ordinance but postponing the implementation, the effective date

of the ordinance, until January 1, and to allow the Pro-Life group to continue with the use of that sidewalk for the remainder of the calendar year. He stated that, in his opinion, that was a reasonable compromise.

Councilman Kling asked Mr. Shane Davis, Director of Urban Development, to come to the microphone.

Councilman Kling stated that the Council members had received an e-mail from Mayor Battle, noting that the Mayor was a road warrior, that he was a man after his own heart because he was always in there fighting for the city on the road projects.

Councilman Kling stated that persons might recall that a couple of years prior, Councilman Culver and himself, working with two County Commissioners, had been able to get a resolution that went to all of the candidates for governor, concerning whether they would support the city of Huntsville and Madison County getting back a higher percentage of the gas tax money they sent to Montgomery, noting that in the past this had been as low as approximately 55 cents on the dollar. He stated that he felt they had made some progress on this, that they had had some commitments, that there had been some good things they had seen coming out of that.

Councilman Kling stated that, however, the City had received some pretty significant news and that he wanted to have Mr. Davis explain what this was, noting that the people in the community needed to be aware of this and know what, if

anything, they could do to help in this process.

Mr. Davis stated that on the prior Friday, Mayor Battle and himself had met with the Alabama Department of Transportation Highway Director, Mr. John Cooper. He stated that he had spent approximately an hour with them and had informed them that ALDOT had moved 13 projects within Madison County out from the original construction date. He stated that these included the two overpasses at the Parkway; the two overpasses at Moores Mill and Shields Road along I-565; and additional lanes on I-565, from, essentially, Wall-Triana Highway to I-65. He continued that they had also delayed Alabama Highway 53 from, essentially, Ardmore back into Huntsville. He stated that the amount of the total projects that had been delayed was in the range of more than \$200 million worth of highway infrastructure for the community.

Mr. Davis stated that on the prior Saturday morning, Mayor Battle had sent an e-mail to the State legislators and to the Governor's office, and that they were continuing to have conversations with those officials, including the Governor's office and the Highway Director, to determine if they could have some compromise to bring some of these projects back.

Mr. Davis stated that the projects on Memorial Parkway had been scheduled for construction in 2015 and that this had been moved to 2020. He stated that Huntsville Utilities had completed relocating their utility lines, at a cost of \$3 million, in preparation for those projects. He stated that

the total commitment for the two overpasses and the service roads was \$56 million. He stated that the Moores Mill, Shields Road overpasses were greatly needed to complete I-565 through the eastern corridor of the city, and that this was a \$91 million project. He stated that the right-of-way purchase was scheduled to commence in the current year, with the utility relocation to commence either the fall of 2013 or early 2014, with construction of the roadway itself in 2014. He stated that both of these projects had been moved out to 2024, approximately 10 years.

Mr. Davis stated that the same held true for additional lanes along I-565, noting that they were scheduled for construction starting at I-65 and working toward Wall-Triana, taking it from four lanes to six lanes. He stated that the original construction had been scheduled for 2013 for a section of that and that this had been moved to 2020.

Councilman Kling asked what the rationale for this was, if they had been given any rationale.

Mr. Davis stated that the miles traveled in the state were depreciating, and that they were depreciating across the country, due to more fuel-efficient vehicles being produced and being demanded by the Federal government, through EPA, and that the gas tax was declining, noting that this was what was used to build highways.

Councilman Kling stated that Huntsville was the fastest growing metropolitan area in the entire state. He asked why

they would basically be killing the goose that was laying the golden egg.

Mr. Davis stated that the meeting had not gone very well, that he believed Mr. Cooper had left very unhappy with them, that they had been very vocal about this. He stated that he believed this was also shown by Mayor Battle sending the e-mail early Saturday morning to all the State legislators and the Governor's office. He stated that he had received a follow-up phone call on Monday morning from Mr. Cooper, which he noted was candid, at best. He stated that they would continue to have conversation concerning this.

Mr. Davis stated that the gas tax and the projected gas tax was increasing in Madison County, so they were aiding the highway construction ability for ALDOT, and that Mayor Battle was committed to work with the Governor to move some of these projects back.

Councilman Kling stated that the Mayor should be aware that the Council supported these efforts and that they would do anything they could to help with this.

Mr. Davis stated that Mayor Battle had wanted him to relay that most likely at the next meeting of the Council, they would have some updated information concerning this. He stated that they were planning on working for the next two weeks with the Governor's office and the State legislators to see what could be done regarding this matter.

Councilman Showers stated that he would like to

congratulate Drake State Technical College, noting that at this time they were having their annual commencement and that he would be attending this event after this meeting.

Councilman Showers stated that on the following Wednesday the annual MSFC Director's Breakfast would be held at the Davidson Center.

Councilman Showers stated that he would be attending the annual Alabama League of Municipalities meeting in Montgomery on May 18-21.

Councilman Olshefski thanked Mr. Cox for recognizing those persons who had lost their lives fighting for the country, noting that he appreciated it.

Councilman Olshefski stated that he had been working with Water Pollution Control on some issues and stated that it was great what these employees could do in his district, noting that they had had a lot of water that had caused a lot of problems.

Councilman Olshefski stated that he had had the opportunity to play in a scramble golf tournament with Mr. Reynolds in support of the firefighters, and that he believed they had done pretty well in raising funds for MDA. He stated that that was a great organization and expressed appreciation to the Fire Department for running this event each year.

President Russell stated that Huntsville was hosting the Alabama High School Athletic Association State Soccer

Championship on the upcoming weekend and that the games would start on the following day at 9 a.m. He urged everyone to attend this event, noting that it was a great way to support student athletes and the city of Huntsville.

President Russell stated that there would be a brief recess.

(Recess.)

President Russell reconvened the meeting.

Councilman Olshefski stated that Col. John Moon, the husband of Ms. Sandra Moon, who had recently passed away, had passed away on the previous Monday. He stated that there would be an announcement as to when the service would be held and asked for prayers for members of the family.

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

President Russell moved for approval of Ordinance No. 13-300, annexing land lying west of U.S. Highway 431 South and on the north side of Deaton Road, which ordinance was introduced at the April 25, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-300)

Said motion was duly seconded by Councilman Showers.

President Russell recognized Ms. Bostick.

Ms. Bostick stated that the property was located in the Big Cove community, off of Deaton Road, and that there was an existing single-family home on the property. She stated that

it was approximately .9 acre of land and that they were annexing for City schools.

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

President Russell stated that the next item on the agenda had been tabled at the prior meeting of the Council and asked if any member of the Council wished to take it off the table at this time.

There was no response.

President Russell moved to remove from the table Ordinance No. 13-189, Substitute A, amending Chapter 23, Article VI, of the Code of Ordinances, concerning organized events, which ordinance was tabled at the April 25, 2013, Regular Council Meeting.

Said motion was duly seconded by Councilman Showers.

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

President Russell moved for approval of Ordinance No. 13-189, Substitute A, amending Chapter 23, Article VI, of the Code of Ordinances, concerning organized events, which Ordinance No. 13-189 was introduced at the March 14, 2013, Regular Council Meeting, postponed at the March 28, 2013, Regular Council Meeting until the April 25, 2013, Regular Council Meeting, and Ordinance No. 13-189, Substitute A, was introduced and tabled at the April 25, 2013, Regular Council Meeting, and brought off the table at this meeting, as follows:

(ORDINANCE NO. 13-189, SUBSTITUTE A)

Said motion was duly seconded by Councilman Showers.

Councilman Culver moved to delay the implementation of the above ordinance until the beginning of the Fiscal Year, October 1, 2013, by amending Section 3 of the ordinance to read "This ordinance shall become effective October 1, 2013."

Said motion was duly seconded by Councilman Kling.

President Russell asked Councilman Culver for the basis for his motion.

Councilman Culver stated that while the Council did not have the authority to direct the Chief of Police as it related to who would get a permit, that with his amendment at least this decision would fall on the Chief under the old ordinance between this date and the end of the Fiscal Year, which would mean he would not be giving anything to any particular group. He stated that it would be extending the implementation of the new guideline, to take effect October 1, 2013, which would mean the Pro-Life group and the Pro-Choice group would have an opportunity, hopefully an equal opportunity, to make the necessary permits to use the sidewalk, or whatever area, in proximity to the clinic.

President Russell stated that his question was if they would want to hold the entire ordinance until that date just for this one particular issue. He continued that there might be a better way to take care of this if the Council wished to delay the issue on who would get what part of the sidewalk,

Pro-Life or Pro-Choice, that perhaps they should pull this out separately.

Councilman Culver stated that he wished that could be the case, because his desire would be for the Pro-Lifers to continue to use the sidewalk through the remainder of the fiscal year. He stated that, however, he did not believe the Council had the authority to do that.

Councilman Olshefski stated that he did not understand what the Council was doing at this time.

Councilman Olshefski stated that, as he understood it, one of the courses of action on this matter would be for the Council to vote on the ordinance as it was. He asked Mr. Joffrion if the ordinance were approved as it was, when it would go into effect.

Mr. Joffrion stated that it would be the date that it would be published, which he noted would usually be the middle of the following week.

Councilman Olshefski asked if Councilman Culver's motion to have the ordinance go into effect October 1, 2013, were approved, if everything would go into effect on October 1 and they would continue under the ordinance they had at this time or if they would continue to run the way they were minus this one piece. He stated that he was confused about this.

Mr. Joffrion stated that the entire ordinance that had been proposed would go into effect on October 1, 2013, and that the City would continue to operate under its current Special

Events ordinance until that time.

Councilman Olshefski stated that he had spoken out previously about grandfathering, that he was calling this kind of a grandfather deal. He stated that he had heard that this permit had been one year, and he had heard six months, and he had heard Chief Morris state that he had been doing it for only 90 days, that he had heard a myriad of things concerning this. He stated that he was saying all of this up front because he had supported in his heart the grandfathering. He stated that he felt if one was doing everything by the book and put in a requirement on the system for six months, and then the world changed and after 90 days, they would say "We don't like it this way any more," that he believed the group that had the requirement for six months ought to be able to finish, and then things would step in.

Councilman Olshefski stated that what he was asking was what good it would do to wait until October 1 when they were at this time working on a day-by-day situation. He stated that he had heard what Councilman Culver had said and that they had heard his grandfather thing but noted that there were not any grandfathers out there at this time.

Mr. Joffrion stated that that was correct.

Councilman Olshefski stated that Chief Morris had made a 90-day commitment, from November, he believed, until the end of March.

Councilman Olshefski asked Chief Morris to come to the

microphone.

Councilman Olshefski asked Chief Morris if it was correct that the Pro-Lifers had come in for a requirement in the November time frame.

Chief Morris stated that he did not recall the exact dates. He continued that he could say that all the permits, Special Event permits, that had been issued for 612 Madison had expired on March 30.

Councilman Olshefski asked what they had been working under since March 30.

Chief Morris stated that because of the ordinance being up for consideration, they had allowed it to continue on a day-to-day basis, that they had allowed the permit to continue to be used.

Councilman Olshefski asked if Councilman Culver's motion were approved, that the way they were doing this at this time, and had been doing it since March 30, which he noted was the same way it had worked prior to March 30, they were saying it would go that way until October 1.

Chief Morris stated that that was not the way he saw it. He stated that if the Council passed this ordinance but said it would not be effective until October 1, that would mean they would be under the current ordinance. He continued that there was no valid permit issued at this time under the current ordinance and that he had two applications for permits for the same space. He stated that they would be just right where they

were, back in the same place. He stated that he was going to have to make a decision about who would get a permit and what space they would get in order to conduct their activity at the location. He stated that either way, whether the Council delayed this until October 1 or if they went ahead and passed it, he would have to make the decision, one way or the other.

Councilman Olshefski asked Chief Morris if it was correct that if the ordinance would go into effect the following week the way it was and there would be two organizations wanting the same space, Chief Morris would make the decision on that in two weeks, based on the way this was written.

Chief Morris stated that that was correct.

Councilman Olshefski stated he understood that the answer Chief Morris had just given him was the same answer he would give him if they did not have the ordinance go into effect until October 1.

Chief Morris replied in the affirmative, stating that that was what was going to happen, that that was what he was going to have to do.

Councilman Olshefski stated that they had looked at the maps, they had looked at how many bodies were on one side of the clinic, all the way around the back, and they had looked on the other side of the road, all the way around across the street, and that the bodies would end up about the same both ways. He asked if it was correct that Chief Morris would be making the same call the following week, with the ordinance

approved or without the ordinance approved, because he had two organizations wanting the same space.

Chief Morris stated that that was how he understood it.

Councilman Olshefski asked Mr. Joffrion if he had that correct.

Mr. Joffrion replied in the affirmative.

Councilman Olshefski stated that he saw no value added in this amendment. He continued that he was a fan of the grandfather clause but they did not have a grandfather clause at this time. He stated that he now understood his position on this.

Councilman Culver stated that he would beg to differ with Chief Morris. He stated that absent the implementation of the new ordinance and with the Chief having applications submitted by both groups, his understanding was that the Pro-Lifers, who had utilized the space for the prior approximately 20 years, had been consistent in their application submission process, and, therefore, while the Council did not have the authority to direct Chief Morris how to handle this, his logic told him that it would be based on who was currently using the space, and, therefore, not implementing the proposed ordinance the following week, the space would revert back to the Pro-Lifers, because they had had the space all the way up through March 30, by way of a permit. He asked Chief Morris if that was right.

Chief Morris stated that the group had had a valid permit up until that time. He continued that there was no permit in

place at this time.

Councilman Culver asked Chief Morris what criteria he would use to decide who would get what, where, when, why, and for how long. He stated that he did not intend to put Chief Morris on the spot with this.

Chief Morris stated that that would be his decision and that he would just figure it out the best way he could to make it fair for everybody. He stated that, obviously, two people could not occupy the same space.

Chief Morris stated that the matter they were discussing was a very small part of the proposed ordinance, noting that it covered Panoply, et cetera, that it would impact the Lucky Duck Trail and the Brewfest on the upcoming weekend. He stated that they appeared to be bogged down over some sidewalk space, noting that the sidewalk was public space. He stated that regardless of who had that space, the public still had a right to come to the space. He stated that one thing that hadn't been mentioned was that under the new ordinance, one would not need a permit to go down to the location and stand on the sidewalk and protest, if one would like. He stated that at this time one would need a permit, but that under the proposed ordinance, one would not.

Councilman Culver asked Chief Morris how his department would regulate this, if it would be on a first-come, first-served basis.

Chief Morris stated that first-come, first-served would be

whoever would be lucky enough to submit their request first. He stated that he believed they had had more than 115 applications submitted after the first word of the proposed ordinance had come out. He asked if that would make those 115 applications for one spot the first person in line.

Chief Morris stated that it was about "fair and equal," noting that everybody had a right to be down there. He stated that both groups had a very important message they wanted to put out, and they both had a right to put it out. He stated that, as Police Chief, he had to figure out a way to let both groups be down there at the same time, or whenever they wanted to be down there, to get their message out safely. He stated that that was the difficult part of this.

Chief Morris stated that if the Council passed the proposed ordinance at this time, he would have to make that decision, and that if they delayed the implementation until October 1, he would have to make the decision, because new permits would have to be issued, or new reservations would have to be issued.

President Russell recognized Mr. Reynolds.

Mr. Reynolds stated that if the Mayor were present, he believed he would want to say exactly what he was about to say. He stated that, obviously, the Police Department had worked with the Legal Department for quite a few years on this ordinance and stated that they entrusted the Police Chief and the Police Force to make the kind of decisions they were

entrusted with. He stated that the Chief would make those types of decisions because he had line level commanders that were working with both organizations, and that he would make the right decision based on not only what was safe and what was right for both organizations but also for the ingress and egress of the general public in that area.

Mr. Reynolds stated that he believed if they entrusted Chief Morris to make that decision, they should support his request.

Councilman Kling spoke in support of Councilman Culver's motion. He stated that he had had some concerns and questions about this matter and that he had had some contact with Mr. Joffrion concerning it. He stated that one of the ideas he had raised was the Council seeking an Attorney General's opinion, noting that he believed there would have to be some narrow parameters as to how this would be worded, but, basically, along the line of "Would a municipal public safety issue take precedence over what might be perceived as being a restriction of freedom of speech or freedom of assembly for an organization that had had a 20-year history?"

Councilman Kling stated that Councilman Culver's motion would buy them some time on this. He stated that he believed this decision should be handled like being a baseball umpire, that they should get the decision right, check the video tape, or do whatever, but make sure they got the decision right.

Councilman Kling asked Mr. Joffrion to comment on seeking

an Attorney General's opinion on this matter. He stated that he felt it would be helpful if there was a way they could get some legal direction from the Attorney General of the State of Alabama as far as what they could do and what they could not do as a municipal government.

Mr. Joffrion stated that his office had checked into this issue on other occasions when there had been questions about the validity of an ordinance or the Constitutionality of an ordinance. He continued that the Attorney General did not issue opinions regarding the validity of ordinances or the Constitutionality of ordinances, or anything that involved a Federal question. He stated that, in fact, they had a list of matters for which they did not issue opinions on their website and that one could go to their website and see it right there on the front, and that of the seven examples that they gave, three of them were the Constitutionality of statutes or ordinances, the validity of municipal ordinances, and questions of Federal law.

Mr. Joffrion stated that, in his opinion, it would be a waste of time to ask for an opinion because they would not give one. He stated that he understood Councilman Kling's concern.

Mr. Joffrion stated that he would like to address a couple of other issues. He stated that with regard to this particular location, the competing groups wanting space at the Women's Clinic, that even though the proposed ordinance would allow either group to go to the location without a permit, that

for all practical purposes, regarding that situation, this would be a permitting-type situation from this time forward. He stated that in reality, and, really, for both sides to have access to the site, both of them would request permits, noting that this was most likely the best way to handle the situation, as it had been in the past.

Mr. Joffrion stated that there was a perception that if this ordinance were passed, one group or the other would be locked out of having access to at least some of the space that they both wanted, and that that was not the case. He stated that both sides of the driveway entering this particular premises had been permitted for use in the past, and that there would be no reason to think that both sides of the driveway could not be apportioned between the two groups, perhaps alternating, at least until such time that circumstances would be such that the secondary effects on, for instance, the Blount House, would be so great that Chief Morris might have to change that. He stated that, however, as things were at this time, there was no reason to believe that both groups could not be apportioned space on either side of the driveway at the same time, so that while neither group would get everything they wanted, both groups would get some of what they wanted all the time.

Councilman Kling reiterated that if Councilman Culver's amendment were to pass, he believed it would at least buy them enough time that they could at least send a letter to the

Attorney General. He stated that he could turn them down if he wanted to, but that he believed there were some issues. He continued that this would just involve the cost of a stamp and typing it up.

Councilman Culver stated that he had nothing but the utmost confidence in Chief Morris and the Huntsville Police Department, noting that he had worked with the Department for 9 or 10 years.

Councilman Culver stated that this was a very difficult decision, a very important decision. He stated that he liked what the new ordinance had in terms of giving both groups equal access and that he would support the ordinance, but stated that to him there was just something that was fundamentally wrong with the way the Pro-Lifers had been dealt with concerning the new ordinance the Council was trying to pass. He stated that all he was trying to do was to right any wrongs, to make it equitable for them, or for anybody, for that matter.

Councilman Culver stated that he did not want persons to assume that this was a Pro-Life or Pro-Choice issue because it wasn't, that in his mind it was a matter of what was right. He reiterated that if it were to be the Pro-Choice group in the same situation the Pro-Life group was in at this time, he still would be having this conversation. He stated that that was not the issue. He stated that from where the Council sat, those things, while they were important, were not how they made decisions, or not how he made decisions.

Councilman Culver stated that he was looking at this matter from the standpoint of what was right and what was fair, and that he believed there was just something fundamentally wrong with the way the whole thing had been handled. He stated that he believed that, technically, the groups should be entitled to do what they did, whether persons liked it or not. He stated that he had attempted to compromise by changing the implementation from the end of the calendar year to the end of the fiscal year, and to no avail. He stated that he did not know if he had support on this, and that if he did not have the support, he would like to rescind his motion.

President Russell stated that the only way to determine this would be to take the vote on this matter.

President Russell stated that Councilman Culver had a motion on the floor to amend the ordinance to not go into effect until October 1, 2013, and that Councilman Kling had seconded the motion.

President Russell asked if there was any further discussion on Councilman Culver's amendment.

Councilman Olshefski asked if this were moved to October 1, if the Council had the power to tell Chief Morris he was going to give the Pro-Life group the space just like they had had it for the prior 19 years.

Mr. Joffrion stated that they did not.

Councilman Olshefski stated that he was asking this question because he had spoken up about grandfathering at the

beginning of this situation, but that he understood that this grandfather discussion was not even on the plate because there had been only 90-day permits since Chief Morris had been chief. He continued that he had heard one year, six months, that he had heard all of that for the prior three months.

Councilman Olshefski asked Chief Morris if it was correct that the end of March was when all permits had been over.

Chief Morris stated that that was the permit at that location.

Councilman Olshefski asked if when the Pro-Lifers had turned in the request for a permit, that was the way it was.

Chief Morris replied in the negative, stating that under the current ordinance, he could determine the length of the permit.

Councilman Olshefski stated that he understood that, that he was not debating that, that he was saying that it was like that until March 30, and that it was not on a six-month basis.

Councilman Olshefski stated that, as he understood it, the Council did not have the authority to say to Chief Morris at this time that the ordinance would not be in effect until October 1 and for him to go back to the way it had been done for the prior 19 years.

Councilman Kling stated that that was incorrect.

President Russell asked Councilman Olshefski if he was asking a question of Mr. Joffrion.

Councilman Olshefski replied in the affirmative.

President Russell stated that Mr. Joffrion had the floor.

Mr. Joffrion stated that the current ordinance was in effect and that the Council did not have the right to direct the department head as to how to implement the ordinance. He stated that whatever discretion he had under the ordinance was his, that the Council could not direct him as to how to implement the ordinance. He stated that that was what his answer had been.

Councilman Kling stated that the Council was a legislative body, and that if the Council passed something, three votes, three to two, or whatever, that became the law of the land as far as City government. He stated that the Council was not getting into administrative action, that they were legislating and were passing a policy, and that a policy of the Council had to be obeyed by the department head.

Mr. Joffrion stated to Councilman Kling that he was not disagreeing with him. He stated that the Council adopted an ordinance or they did not adopt an ordinance. He continued that they had already adopted an ordinance that was currently in effect, and that Chief Morris had to abide by that ordinance. He continued that under that ordinance, Chief Morris did have discretion, and that the Council could not direct him to exercise that discretion in a particular way.

Councilman Kling stated that that would be unless an amended motion were passed.

Mr. Joffrion stated that even if the Council delayed the

implementation of the new ordinance to a date certain, that would not remove Chief Morris's discretion under the existing ordinance. He stated that he believed they were speaking about different things.

President Russell asked if there was any further discussion of Councilman Culver's amendment.

There was no response.

President Russell called for a roll-call vote on Councilman Culver's amendment, and the following vote resulted:

AYES: Culver, Kling

NAYS: Olshefski, Showers, Russell

President Russell stated that the amendment had failed.

President Russell stated that they were back to the main motion and asked Mr. Joffrion to go over exactly what the Council would be voting on, noting that there had been different substitutes.

Mr. Joffrion stated that the Council would be voting on Substitute A.

President Russell stated that there had been several questions raised, some by Rev. Henderson, and that some citizens were concerned that they were giving up their right to peacefully assemble, and that Ms. Petersen had had several questions.

Mr. Joffrion stated that he had a list of questions and he would be happy to answer those.

President Russell stated that those were Ms. Petersen's

questions. He stated that Rev. Henderson and others were concerned that they would be restricting free speech and were taking away their right to peacefully assemble. He asked if in the ordinance they would be taking away anyone's right to peaceful assembly.

Mr. Joffrion replied in the negative, stating that as Mr. Benjamin had stated very well, they should make sure everyone was given an equal opportunity to express their opinions. He stated that that was the intent of the ordinance. He stated that another intent of the ordinance was to remove some barriers to the exercise of free speech that existed in the current ordinance, so that they would be more in compliance with the Constitutional interpretation of the First Amendment.

Mr. Joffrion stated that the first question on the list he had was: "Is a permit holder responsible to see that participants at an event under their permit abide by the rules of the ordinance?" He stated that there was no way for any one person to guarantee the conduct of someone else, but that the permit itself might be in jeopardy if participants under that permit did not abide by the rules governing the permit. He continued that there was what was called a "cure provision" in the proposed ordinance, so that it was not so black and white. He stated that if there were some violations, there would be an attempt to allow such violations to be corrected, reasonably and timely, and that if they were not, the permit holder would risk losing the permit.

Mr. Joffrion stated that the next question on the list was as follows: "If participants at an event do not abide by the rules of the ordinance, can or will the permit be revoked?" He stated that he believed he had answered that question in his answer to the previous question.

Mr. Joffrion read the next question on the list as follows: "Specifically, what rules, if not followed, can cause a permit to be revoked?" He stated that this was somewhat more difficult to answer because there were so many provisions in the ordinance and there were many reasons for revocation. He stated that criminal conduct could be a cause for revocation, failure to abide by the restrictions or the conditions or limitations placed upon the granting of the permit. He stated that these could be reasons for a permit being rescinded or revoked.

Mr. Joffrion read the next question as follows: "If a business adjacent to the location of an event complains about the actions of the participants, can that permit be revoked?" He stated that the simple fact that a business might complain would not be enough, in and of itself, to cause a revocation. He stated that it would be up to Chief Morris to make an evaluation and an assessment whether there would be a secondary impact to the business or the surrounding businesses that would warrant either a limitation on the exercise of that permit or perhaps a revocation. He stated that he did not see that a revocation would occur in this case.

Mr. Joffrion read the next question on the list: "What type of evidence is required to report rules violations by event participants?" He stated that what persons had seen, heard, or felt could be reported, and that the reporting agency would be the Events Coordinator in the Police Department.

Mr. Joffrion read the next question as follows: "In the current ordinance could a permit/reservation be revoked for disturbing the peace of businesses adjacent to where an event is being held?" He stated that any criminal misconduct could be the basis of revocation of a permit. He continued that, again, the determination would be left to Chief Morris to determine whether or not there was a secondary impact on surrounding businesses. He stated that this was not an objective "Yes" or "No" type of question that he could answer at this time, that it would be fact dependent and would depend on the circumstances at the time.

Mr. Joffrion stated that the next question was as follows: Are there any penalties established in the ordinance for violations of the permit or the ordinance? He stated that if there was criminal misconduct, that would be governed by the criminal statutes, and if there were violations of the ordinance, they might rise to the level of causing a revocation of the permit, but that there were no other penalties.

President Russell stated that at the prior meeting of the Council there had been an attorney from Montgomery who was going to raise points about the ordinance and that he was also

aware that Mr. Joffrion had heard from other attorneys on this subject. He asked if he could briefly describe for the Council his conversations with these attorneys and what changes had been made because of what they had brought to his attention.

Mr. Joffrion stated that the attorney who was present at the prior meeting representing, he believed, Rev. Henderson and his group, had not made any contact with him or with Ms. Anderson or his office, either by phone, e-mail, or letter. He stated that he had expected to hear from him but there had been no contact.

Mr. Joffrion stated that he did receive a letter from an attorney with the Thomas Moore law firm on behalf of the Pro-Life group, raising a couple of points about the ordinance but noted that apparently he had been reading from a prior draft, which included the 15-foot separation rule. He stated that he believed most of his comments were addressed in the revision that was the basis of Substitute A. He stated that there had been a clarification regarding "Minor Events" and "Organized Events." He stated that this attorney had also expressed a concern about spontaneous event activity or spontaneous expression of free speech maybe being limited or somehow prohibited. He stated that there had never been a prohibition against spontaneous expression, and that it was not even governed by the ordinance. He stated that anyone could hold a spontaneous event, outside of the scope, or purview, of the ordinance.

Councilman Kling stated that, just for the sake of discussion, he would like for them to say, for instance, that they were talking about two opposing sides, with one being opposed to ducks being allowed at Big Spring Park, with the other being in favor of ducks being allowed at Big Spring Park. He stated that he just wanted to focus on the mechanics and on the process, not on any specific issue.

Councilman Kling asked if there was anything in the proposed ordinance that would prohibit in the future things such as the spraying of water by one side, and sage, smoke, incense by another side, loud chanting by each side against each other, in-your-face activities. He asked if there was anything that would prohibit that type of action in the future whenever there were competing demonstrations, pro-ducks versus anti-ducks, or whatever.

Mr. Joffrion stated that Councilman Kling had actually requested a separate substitute to specifically address that matter. He stated that such items were not specifically listed in the ordinance because it was impossible to list all the kinds of misconduct that might result in either a criminal citation or perhaps revocation of a permit. He stated that much of what Councilman Kling had mentioned would be governed by criminal statutes: harassment, disorderly conduct, perhaps even assault. He stated that Chief Morris had made it clear that no one to whom a permit would be issued would be allowed to use any smoke or burning apparatus of any kind. He stated

that this did not govern the use of sage sticks or some other type of burning material on private property if it was otherwise lawful. He stated that the Fire Department was usually the agency for making that determination, and possibly the Department of Natural Resources and Environmental Management. He stated that some smoke could be used for religious purposes or other things and would not be in violation of the City's ordinances.

Councilman Kling asked if there was any way they could put some sort of a line of demarcation in between that would say that the groups could not do anything such as he had mentioned. He stated that he understood that spraying water had been popular and sage sticks had been popular. He asked if there was any way that they could restrict this on both sides, just to keep the air clear, so to speak.

Mr. Joffrion stated that he did not know how they could list everything. He stated that he believed they should rely upon the criminal statutes to govern that. He stated that persons could not harass each other, and that if they did, they would be subject to losing their right to operate under the permit.

Councilman Kling stated that he believed they would have to define what "harassment" would mean. He stated that he was aware they could not cover every incident.

Mr. Joffrion stated that the criminal statutes defined what "harassment" was. He stated that it was a general

definition, that it could not be very specific because so much conduct would fall under it.

Councilman Culver stated that, for the record, "harassment" was "subjecting someone to unwanted physical contact, harassment, annoyance, or alarm."

Councilman Kling stated that he would like to go back to one of the issues that had been brought up. He stated that they talked about free speech, they talked about the freedoms that persons had because of other persons who had laid down their lives for them, those types of circumstances. He asked if they would be making a change where one organization had a history of being allowed to do something to exercise their rights, whether one would agree with them or disagree with them, and after 19 years, all of a sudden this was going to be changed. He asked if they would be opening up a Pandora's box by doing that. He asked if this was a precedent.

Mr. Joffrion stated that when there were competing demands for public space, it would not matter if there had been a history of use by one of the sides, that everyone was entitled to the opportunity to use the space, that everyone was entitled to the exercise of their First Amendment freedoms. He stated that if they continued to allow a particular group to use public space, to the exclusion of others, to exercise their First Amendment freedoms, then they would be denying those First Amendment freedoms to a competing group, and that that would not be equitable or fair or Constitutional.

Councilman Kling asked if they had had both organizations having their rights under the status quo.

Mr. Joffrion stated that they had one group who wanted to use the same space that the other group had been using for the past 19 or 20 years. He stated that the groups were not in agreement at the present time. He stated that contrary to statements that had been made, the two groups were not in agreement about the distribution of space. He stated that the City did not have the right to decide which group was right and which group was wrong, that they both had an opportunity and a right to use the space.

Councilman Kling stated that he agreed with the diversity of opinions, noting that that was what made the country great. He stated that probably three-quarters of the speakers that had appeared before the Council on this subject had been persons from outside the city limits of Huntsville but that the Council was interested in their viewpoints and that that was part of the process they went through. He stated that the Council put their agendas out on the internet as quickly as they could so that the public could have access to them and see what they would be discussing at their meetings, that this was part of the process. He stated that he wanted to make sure that they were keeping things as open as possible and were not doing anything that would be curtailing anybody's right, on either side of any issue, that he just wanted to make sure they were keeping their doors as wide open as possible. He stated that

when governments started nipping here and nipping there, the next thing persons would know would be that something that they had had been taken away from them.

Councilman Kling stated that the issue that they were talking about was really not the jurisdiction of the City of Huntsville, that he was trying to focus on the mechanics of this ordinance and how they would interface with the Police Department and the public. He stated that he had some concerns about making sure they were going in the right direction.

Mr. Joffrion stated that he viewed the proposed ordinance as the best attempt at making it fair for everyone and trying to preserve the rights of the group that had been using that space for so many years to continue to have access to it, as well.

Councilman Olshefski stated to Chief Morris that at the intersection of Whitesburg Drive and Airport Road, there had been competing demands for that space for many, many years, over Pro-War and No-War. He stated that he understood the way Chief Morris had handled this was that two corners of the intersection went to one group and two corners went to another group. He asked if that was correct.

Chief Morris stated that he would say it was close.

Councilman Olshefski stated that, as he understood it, that was what Chief Morris had done under the old ordinance and that that was what he would do under the new ordinance.

Chief Morris stated that he saw no reason that they could

not accommodate everybody that wanted to be at the subject location.

President Russell called for the vote on Ordinance No. 13-189, Substitute A, and the following vote resulted:

AYES: Culver, Olshefski, Showers, Russell

NAYS: Kling

President Russell stated that the ordinance had passed.

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

President Russell read and introduced Ordinance No. 13-351, annexing land lying on the east side of Adonis Road and east of Old Big Cove Road.

President Russell read and introduced Ordinance No. 13-352, annexing land lying on the south side of Knott Walls Road and west of Old Big Cove Road.

President Russell read and introduced Ordinance No. 13-353, annexing land lying on the west side of Williams & Broad Drive and north of Dug Hill Road.

President Russell read and introduced Ordinance No. 13-354, amending Chapter 3, Article II, of the Code of Ordinances of the City of Huntsville by adding Section 3-27, Arts and Entertainment Districts.

President Russell read and introduced Ordinance No. 13-355, amending the Code of Ordinances of the City of Huntsville regarding Liquor and Lodging Tax.

Councilman Kling asked if the Planning Department or

perhaps the Legal Department could give the Council a brief overview of the Arts and Entertainment Districts.

Ms. Bostick stated that this was proposing two downtown Arts and Entertainment Districts: one called the "Quigley," which she noted included the Courthouse area, often called the "Downtown Core," and going through Big Spring Park and including the Von Braun Center, as well as the Holiday Inn and Embassy Suites; and the other called the "Meridian District," in the Meridian Street/Cleveland Avenue area, where Bud Cramer Park was located.

Ms. Bostick stated that the State Legislature had passed the Entertainment District legislation approximately a year prior and that they had been working since that time to try to put together regulations and the district boundaries, hours of operation, and things of that nature. She stated that they had had several meetings to discuss how to go about trying to do this and the best way to balance all the competing interests in Downtown and to make sure it was successful and would drive economic development within the downtown area.

Ms. Bostick stated that there was a lot of detail included in this but that the basic premise was that one could walk out of a retail alcohol licensed establishment with an open container, within the district boundaries, and one could go into open public places. She stated that one could not bring in alcohol from outside the district, that it had to be acquired from one of the businesses within the district. She

stated that one would be given a cup that would either have the name of the establishment or the name of the district on it so that they would know that the person had gotten this from one of those establishments. She stated that one could not carry it into another retail alcoholic establishment within the district.

Ms. Bostick stated that they intended to do the boundaries short term with some type of stenciling or sidewalk markings, perhaps some signage, depending on the sidewalk condition. She stated that ultimately it would be rolled into the overall Wayfinding Signage package so that persons would be clearly aware of when they were and were not within the districts.

Ms. Bostick stated that the current hours proposed were Thursday and Friday evenings from 5 p.m. until 10 p.m., noting that this was specifically designed to coincide with Arts and Entertainment activities that were ongoing throughout the summer. She stated that, also, it would be an event-based district, so that if someone were having an event, they could request for the district to be opened or partially opened.

Ms. Bostick stated that there was a 90-day review period that was written into the Code, so that in 90 days her department would actually come back and report to the Council on how this was going, what the successes were, what any concerns might be, and any recommendations on expanding the district boundaries; and within that 90 days make sure all the logistics were working and they had the resources in place to

accommodate the district and that there were no unforeseens that had not been prepared for that they needed to deal with.

Councilman Kling stated to Ms. Bostick that he was aware they were wanting to work the kinks out and make sure everything worked the way it was supposed to. He asked if any thought had been given to adding Saturdays during the trial period, noting that it seemed to him that Saturday would be a big time to be downtown. He stated that there were a lot more persons downtown on Saturday nights than there were on Thursday nights. He asked if they had looked at this as a possibility.

Ms. Bostick stated that they had looked at Saturday nights, that in the very first presentation they had actually included Saturday nights. She continued that there was some concern from some of the stakeholders that were at that meeting about expanding it too quickly. She reiterated that this was geared to coincide with other scheduled arts and entertainment activities, noting that the goal was to foster activity in the downtown area, to get persons to come downtown not just to walk around and drink, with an open container, but to have such things as street performers, the Arts Stroll, and the Greene Street Market, which she noted typically occurred on Thursdays and Fridays at this time.

Councilman Kling asked if it was correct that at this time they did not want Concerts in the Park to be part of this trial period.

Ms. Bostick stated that Concerts in the Park was covered under a different licensing mechanism, noting that they would still operate the way they currently operated. She stated that it would create difficulties because one would not be allowed to walk from one licensed establishment into another licensed establishment, so that persons actually could not walk into the district if it was operational at that time, for the Concerts in the Park. She stated that it was a logistical issue.

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement with Johnson, Jones, and McGehee, a Limited Liability Partnership, for provision of Indigent Defense Services in Municipal Court of the City of Huntsville, as follows:

(RESOLUTION NO. 13-356)

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

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

(ORDINANCE NO. 13-357)

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

President Russell read and introduced an ordinance declaring property as surplus and authorizing donation of said property to the City of Triana, Alabama, as follows:

(ORDINANCE NO. 13-358)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Cost Reimbursement Agreement with the Northeast Alabama Traffic Safety Office, in the amount of \$45,011.44, for traffic enforcement, as follows:

(RESOLUTION NO. 13-359)

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

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

(RESOLUTION NO. 13-360)

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

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

(ORDINANCE NO. 13-361)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 12-768 by changing authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 13-362)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Skipper Consulting, Inc., for Traffic Analysis for At-Grade Improvements at Rideout Road, south of I-565, Project No. 65-13-SP28, as follows:

(RESOLUTION NO. 13-363)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Agreement between the City of Huntsville and the City of Madison for Joint Funding of ATRIP Projects 45-01-08, Resurfacing of Old Madison Pike from Hughes Road to Slaughter Road, and 45-01-09,

County Line Road, Additional Lanes from Madison Boulevard to U.S. Highway 72, Project No. 65-13-SP29, as follows:

(RESOLUTION NO. 13-364)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Construction Administration Services for 2013 Water Pollution Control Sanitary Sewer Rehabilitation, Project No. 65-13-SP30, as follows:

(RESOLUTION NO. 13-365)

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

President Russell moved for approval of a request for authorization to advertise and fill one (1) position of Information Technology Systems Technician, Grade 13, at higher than minimum if necessary, which motion was duly seconded by Councilman Showers, and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 8 to the Supplemental Development Agreement, TIF5-Series 2010-A, to the Annexation and Development Agreement between the City of Huntsville and LW Redstone, LLC, as follows:

(RESOLUTION NO. 13-366)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 17 to the Supplemental Development Agreement, TIF5-Series 2010-B, to the Annexation and Development Agreement between the City of Huntsville and LW Redstone, LLC, as follows:

(RESOLUTION NO. 13-367)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Worthington Federal Bank Letter of Credit No. 2011-039 for The Preserve at Limestone Creek Subdivision, Phase I, as follows:

(RESOLUTION NO. 13-368)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1115 for Green Way Park Subdivision, as follows:

(RESOLUTION NO. 13-369)

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

Councilman Showers and was unanimously adopted.

President Russell moved for approval of a request for authorization to advertise and fill the position of General Services Facilities Supervisor and to fill at a rate higher than minimum if necessary, which motion was duly seconded by Councilman Showers and was unanimously approved.

Councilman Kling read and introduced a resolution authorizing the Mayor to approve and submit the 2013 Annual Action Plan, as follows:

(RESOLUTION NO. 13-370)

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

President Russell asked Mr. Benion for an explanation of the above resolution. He stated that one of his concerns was that this item had not been on his agenda on Wednesday. He asked if Mr. Benion could also address this.

Mr. Benion stated that his department had submitted it on time, but it had been held up by being reviewed in Legal. He stated that every five years they did what was considered a Consolidated Plan, and that these were their goals for a five-year period. He stated that they did an Action Plan each year to say how they were going to attack the five-year goals annually. He stated that generally they would get a certain amount of grant money from HUD, and that they had to budget this out. He stated that his department had not received these

figures at this time, but that due to deadlines, they still had to turn in the Action Plan. He stated that this was just a plan to show how they were going to attack everything, from rehab to homelessness or affordable housing for the upcoming year.

President Russell asked if there was any way Mr. Benion could provide more specifics on this. He asked what the Action Plan called for. He stated that he was attempting to get more specifics because he did not want citizens to question why this was not on the agenda on Wednesday and was now on the agenda.

Mr. Benion stated that, as an example, if in their Action Plan it said they planned to build 50 senior housing, multi-family units or they planned to build 20 houses in a targeted area.

President Russell asked if this would have been included in the five-year plan, that it was now just how they were going to carry out the five-year plan.

Mr. Benion stated that this was how they were going to carry it out for the upcoming year. He stated that it was included in the five-year plan but that this was what they planned to do for the next year in order to reach their five-year goals at the end of the five-year period.

Councilman Showers stated that this was an annual opportunity, that it was not new, that they had been doing this for many years. He commended Mr. Benion for putting together a package such as this that would direct in advance how they were

going to use the Federal dollars.

President Russell called for the vote on Resolution No. 13-370, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute an amendment to the agreement between the City of Huntsville and the Chamber of Commerce of Huntsville/Madison County, as follows:

(RESOLUTION NO. 13-371)

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

President Russell asked Mr. Reynolds if he would explain the above resolution.

Mr. Reynolds stated that he would do so and that Mr. Davis could provide more detail. He stated that this was an increase in funding related to the Paris Air Show and related travel, not only for the City of Huntsville but other participating members, and an increase involved with some other economic development issues.

Mr. Davis stated that they were currently working up to 21 different industrial projects in the community. He continued that some of the projects they were working on were to bring jobs to the community, and that in working on these with the State of Alabama Governor's office, they had had expenses that had had to be incurred with the Chamber, in getting persons to and from the community, to showcase the community, so that they had allocated more funds to them. He

stated that this was unexpected but was a good problem to have.

President Russell asked Mr. Davis if he could go over the funds. He asked if it was correct that it was \$39,000.

Mr. Davis replied in the affirmative.

President Russell asked if it was correct that it was \$25,000 for the additional economic development initiative and \$14,000 for the Paris Air Show. He asked if they were just paying this \$14,000 to assure that they had a booth and a representative or if it was travel or entertainment.

Mr. Reynolds stated that he believed this was a general commitment from all the participating agencies that planned to go on the trip. He stated that it was not certain at this time that Mayor Battle was actually going on this trip but that it was a general commitment among other agencies.

Mr. Davis stated that the Paris Air Show was something that the City had routinely done in order to recruit industry, along with the Governor. He stated that some of these trips had been very fruitful for Huntsville, and that most recently, for the State of Alabama, it was very fruitful to bring Airbus to the state.

President Russell asked if this had been handled in this manner each year, noting that he did not recall having voted on this as a separate item.

Mr. Davis stated that he was aware that it had been handled in this manner the prior year. He stated that typically they gave them an allotted budget, and that once the

rates came in for air fare, hotel rates, et cetera, that sometimes they did have to adjust it.

President Russell called for the vote on Resolution No. 13-371, and it was unanimously adopted.

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

Mr. Jerry Cox again appeared before the Council, stating that he had picked up his agenda at approximately 3:30 in the lobby and that it had not had items 15.q or 15.r on it.

Mr. Cox stated that he was troubled by the Council not moving on item 13.b on the agenda. He stated that the longevity pay was compensation for the City employees, benefits for the employees. He stated that by past practice, the providing of longevity pay was in the best interest of the public. He stated that in order to be effective, longevity pay had to be at a level to make it effective. He stated that this kept trained employees, noting that if employees were lost, the City would have to pay to train replacements.

Mr. Cox stated that Mr. Hatfield had advised the Council earlier of his experience when he went to Public Works, noting that he had found well-trained and well-performing employees. He stated that these employees should be awarded with this longevity pay increase, noting that it improved morale and performance.

Mr. Cox stated that when a tornado had hit his home, the first person who had shown up was a City employee, a fireman,

to make sure that the gas was cut off at his house so that it would not blow up. He stated that when there were events like this, the first persons one would see would be well-trained, well-performing City employees.

Mr. Cox stated that the Council should make sure that at the next Council meeting, this matter would come off the table and be passed. He stated that some persons would say that the City had a lack of money but stated that the City had plenty of money, noting that he had missed the Council meeting when there had been a severe weather threat and had found out that they had purchased land over in his community to bail out a developer. He stated that, also, they were going to have money to pay for Johnson High School and money to pay for Grissom High School. He stated that the City had plenty of money, and the first thing had to go to the employees.

Mr. Cox urged the Council to pass the longevity pay increase at the next Council meeting.

Ms. Jackie Reed again appeared before the Council, stating that she had two questions. She stated that she had not heard anything about Old Madison Pike. She stated that Mayor Battle had promised that the Old Madison Pike road, after 17 years, would be completed. She asked if this had also been put on the back burner. She stated that she had hoped that would be brought up in Montgomery.

Ms. Reed stated that evidently Councilman Kling wanted to party-hardy on Saturday, also, Thursday, Friday, and Saturday

nights. She stated that she had asked previously if someone were to leave one of the streets downtown drunk, who would be liable, who would be responsible for the liability of a drunk if they left and killed someone. She stated that she had understood that the Planning Department was going to look into this, noting that there would be a liability somewhere for this.

Ms. Reed stated that she felt this matter deserved a public hearing and that she wished they would do this before the matter would be voted on. She stated that one could not come out of their car with a drink, that one had to go in one of the clubs and buy a drink and walk the streets. She asked if that was correct, if that was what they were proposing. She asked how they were going to afford all the police officers to patrol everything. She stated that the country rednecks would be coming to town and that she hoped every one of them came to town. She stated that she would invite them to come on down and mix with the chosen few, because they ought to be a party to this.

Ms. Reed stated that loud noise, et cetera, was what they wanted to do downtown, open alcohol in the bars, that that was what they were trying to do. She stated that she did not want to walk up and down the streets smelling alcohol, noting that a lot of people were complaining about this, that they did not know about what was going on. She stated that she could not stop it, that she could not do anything about it. She stated

that she did not know where the drinks would be coming from, that this really had not been explained. She asked what would keep persons from going to their cars and getting a sack or a bottle and filling their glass, and keep on walking.

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

There was no response.

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

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER