

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, MAY 23, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, May 23, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Rev. Carl Malm of The Center for Loss, Grief, and Change led the invocation; President Russell led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on May 9, 2013, and a Special Session of the Council on May 15, 2013, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Mr. Greg Patterson, Director of Parks and Recreation, to come forward, noting that they were going to recognize some young people at this time.

Mr. Patterson asked President Russell to join them.

Mr. Patterson stated that it was his pleasure to introduce

some of the outstanding young student athletes in the community. He stated that they wanted to recognize the Randolph School Girls Soccer Team for winning the Class 1A-4A State Championship at John Hunt Park recently. He asked Coach Marvin Chou to come forward and introduce his team members.

Coach Chou introduced the members of the team. He stated that they had had a great season and that he was very proud of the team for doing such an outstanding job and for bringing home another State championship to Randolph.

President Russell congratulated the team members, commending them for the great job they had done and stating that it was a very exciting game.

Mr. Patterson stated that he would like to recognize some outstanding tennis players from Randolph School. He asked Coach Sue Marshall to come forward and introduce the team members who had won their individual or double State Championships.

Coach Marshall expressed appreciation for this recognition. She stated that this was their first year to compete in 4A and stated that they had done an outstanding job, noting that they had finished second. She stated that they also had a great boys team, noting that they had barely missed finishing second in the state.

Coach Marshall stated that she would like to recognize four individual State champions. She asked Niki Staton to come forward, stating that she was the No. 4 Girls Singles Champion.

She stated that they had another champion, as well, Aly Sexton, the No. 5 Girls Singles Champion, who could not be present for the meeting.

Coach Marshall stated that they had two young men representing the No. 1 Boys Team who were State Champions, Henry Crosby and Grant Ginsburg. She asked them to also come forward.

Coach Marshall stated that they were extremely proud of all these players, noting that they had done a remarkable job throughout the season. She stated that the competition in 4A had been up a notch and that they had been more than equal to the task.

Mr. Patterson stated that there were a group of athletes from Huntsville High School who could not be present at the meeting because of the graduation ceremony. He stated that seven students at Huntsville High had won eight State championships in track and field. He stated that they had sent their certificates to the school for the coach to give to them.

Mayor Battle asked Ms. Melissa Snider to come forward, noting that she had brought along some very bright young minds to talk about Monkey Madness.

Ms. Snider stated that Monkey Madness had had a fantastic year, noting that on their team they had a Hampton Cove Middle School student and some Huntsville High School students. She stated that these students built robots and programmed robots and that they had gone to many states and won championships and

had competed against teams from all over the world and had won the World Championship. She stated that she would like for the students to introduce themselves.

The Monkey Madness team members introduced themselves.

Mayor Battle stated that these young people worked in robotics, noting that this was something the City used when they had industry coming in and looking at Huntsville. He stated that when these persons asked if they knew anything about robotics, the first thing they would start with would be Monkey Madness and their being world champions in robotics. He stated that these students were part of the economic story for the city. He continued that they would also talk about Calhoun Community College having a robotics center. He stated that he felt it was impressive when they could tell these persons that they started off with this as sophomores, juniors, and freshmen in high school and went all the way through the college years.

Mayor Battle thanked each of the students, stating that they were part of the city's success story. He congratulated them for having won the World Championship.

Councilman Showers read and introduced a resolution congratulating Mr. John W. Beale, Jr., Deputy Project Manager, Precision Fires Rocket and Missile System, upon his retirement from Redstone Arsenal, Alabama, as follows:

(RESOLUTION NO. 13-373)

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

Councilman Olshefski and was unanimously adopted.

Councilman Showers stated that he would be presenting the resolution at the retirement celebration for Mr. Beale.

Councilman Showers read and introduced a resolution congratulating the first inaugural Senior Class of the Union Chapel Christian Academy upon their first commencement, held on May 22, 2013, at the Union Chapel Missionary Baptist Church, as follows:

(RESOLUTION NO. 13-374)

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 the graduation had already been held and stated that he did present awards to this senior class.

Councilman Showers read and introduced a resolution congratulating the Science, Technology, Engineering, and Mathematics (STEM) 6th & 7th grade teams, Union Chapel Christian Academy, for winning first place in the State of Alabama, as follows:

(RESOLUTION NO. 13-375)

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 earlier in the day he had presented awards to the 6th and 7th graders, noting that they

had been State winners in the STEM competition.

Councilman Showers read and introduced a resolution congratulating Draper Memorial Church of God in Christ upon their 50th Church Anniversary, May 30, 2013 - June 2, 2013, as follows:

(RESOLUTION NO. 13-376)

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 be presenting this resolution at the event to be held on June 2, 2013.

President Russell read and introduced a resolution congratulating Mr. Patrick Wynn, recipient of the Civic and Community Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-377)

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 congratulating Mrs. Lorraine Boone, recipient of the Education Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-378)

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 congratulating Mr. Nathaniel A. Bocclair, III, recipient of the Government and Industry Leadership Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-379)

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 congratulating Dr. Parker Griffith, recipient of the Government Relations Leadership Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-380)

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 congratulating Dr. Terrell Harris, recipient of the Religion Leadership Award, Huntsville Progressive Alumni Chapter's

Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-381)

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 congratulating Dr. Hattie P. Harris, recipient of the Religion Leadership Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-382)

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 congratulating Mrs. Winnifer McGee, recipient of the Small Business Leadership Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-383)

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 congratulating Mr. Bobby T. Petty, recipient of the

William Hooper Council Distinguished Alumnus Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-384)

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 congratulating Mrs. Deloris Smothers, recipient of the Outstanding Alumna of the Year Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-385)

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 congratulating Dr. Wyla T. Washington, recipient of the Outstanding Alumnus of the Year Award, Huntsville Progressive Alumni Chapter's Annual Leadership Awards Program, to be held at the AAMU Ernest L. Knight Center on June 1, 2013, as follows:

(RESOLUTION NO. 13-386)

President Russell moved for approval of the foregoing

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

President Russell stated, concerning the agenda, that the Council would need to vote on 15.dd on the agenda, Resolution No. 13-420, before voting on 15.aa, Resolution No. 13-421.

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 on Ordinance No. 13-247, amending Article 75, Alcoholic Beverage Establishment Regulations, by amending Section 75.1, Definitions, and Section 75.3, Permitted Establishments by Districts; by renumbering Section 75.6, Severability, as Section 75.7; and adding Section 75.6, Brewpub Areas, to amend current local regulations to coincide with recently adopted State regulations concerning brewpubs, which hearing was set at the April 11, 2013, Regular Council Meeting.

President Russell recognized Ms. Lisa Leddo of the Planning Division.

Ms. Leddo stated that the State of Alabama had recently amended the State Code concerning brewpubs and that this zoning ordinance amendment would amend the City of Huntsville zoning ordinance to coincide with these changes concerning brewpubs.

Ms. Leddo stated that previously a brewpub had been allowed in a historic building, historic district only, and that there was also a restaurant requirement, for a restaurant

seating not less than 80 persons. She stated that the Alabama Legislature had amended this to where a brewpub now had minimal food requirements and the locations had been changed to a historic building, historic district, or an economically distressed area, as designated by the City.

Ms. Leddo indicated the areas of the brewpubs on a displayed map, noting that the green boundary, which she stated was the initial starting place, had been determined and established in the Retail Survey by the Shopping Center Group, which she noted was a study commissioned by the City. She stated that they had then used a Tapestry map, which she noted was created using Tapestry segmentation data from the ESRI Community Analyst, which she noted was a software product purchased by the City to obtain detailed socioeconomic data. She stated that they had also used CoStar Retail Vacancy Rate Information obtained from their semi-annual report on Huntsville commercial property, as well as household income obtained from the Census data.

Ms. Leddo stated that using all this information, they had created the boundary that persons could see on the map in the black outline. She stated that this area met all the criteria established in the studies and reports she had mentioned, as well as including the appropriate zoning districts for a brewpub.

Ms. Leddo stated that brewpubs would be treated the same as lounges, that they would be permitted in the same zoning

districts, with the same separation distances, and other requirements, as a lounge, because that was how they would be operating.

Ms. Leddo stated that the areas that she was indicating, with the black boundary, were where the brewpubs could be located, following the same restrictions and requirements as lounges. She reiterated that they would have minimal food requirements and they could have entertainment where entertainment was allowed within the appropriate districts.

Ms. Leddo stated that this was following the new State guidelines for brewpubs, that all they were doing was matching the City guidelines to meet the State guidelines.

Ms. Leddo stated that this had been recommended by the Planning Commission.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that he would like to ask for clarification and to also oppose this amendment, because of the fact that the State was going to mandate this requirement. He asked how much of the cost the State would bear for the enforcement of this. He stated that if they were not going to do this, why the citizens of Huntsville were being unduly taxed to take care of this responsibility which the State was mandating.

Mr. Timberlake asked that the Council request that the State undertake any cost that would be necessary for the enforcement of this particular ordinance.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 13-247, amending Article 75, Alcoholic Beverage Establishment Regulations, by amending Section 75.1, Definitions, and Section 75.3, Permitted Establishments by Districts; by renumbering Section 75.6, Severability, as Section 75.7; and adding Section 75.6, Brewpub Areas, to amend current local regulations to coincide with recently adopted State regulations concerning brewpubs, which ordinance was introduced at the April 11, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-247)

Said motion was duly seconded by Councilman Kling.

President Russell asked Ms. Leddo if there would be any additional cost to enforce the legislation, as Mr. Timberlake had mentioned.

Ms. Leddo replied in the negative, stating that it would be no more than for any other business.

President Russell stated that he was unable to determine on the displayed map where the boundaries were and asked Ms. Leddo if she could state where the black lines were. He asked if, in general, this was down the Parkway.

Ms. Leddo replied in the affirmative, stating that, in general, it was along the major thoroughfares, North and South Parkway, Clinton Avenue, Governors Drive. She noted that these were areas that were zoned to include lounges, and that they would not have any more impact than a typical lounge. She stated that the area included older areas and major arterial areas.

Councilman Kling asked if brewpubs were required to actually produce the beer on site or if they could be a distribution point, if they could purchase it from other brewpubs and sell it.

Ms. Leddo stated that this was different from a brewery, noting that these were two separate State licenses. She stated that a brewery required a manufacturer's license and that a brewpub was a separate State license, a brewpub license, and that they were only allowed to sell what they produced on-site, or to retailers to resell to other retailers

President Russell called for the vote on Ordinance No. 13-247, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing for Elliott Holdings, LLC, d/b/a Executive Connection, which hearing was set at the May 9,

2013, Regular Council Meeting.

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

Mr. Brown stated that this was an existing company that was being purchased by Mr. Elliott. He stated that the Certificate of Need and Necessity was not transferable, so that the Council's action, if they approved this, would authorize Mr. Elliott to continue operating this business as it had been operating.

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

Mr. Ralph Timberlake again appeared before the Council, stating that, as he understood this, there was a requirement that the need for such expansion had to be justified. He stated that while the City officials might know what these justifications might be, that he, as a citizen, respectfully requested that he and other citizens similarly situated be made aware of the assessment that was relied upon to grant this license.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution

granting a limousine license to Elliott Holdings, LLC, d/b/a Executive Connection, for the operation of five vehicles, as follows:

(RESOLUTION NO. 13-387)

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

President Russell asked Mr. Brown if it was correct that this would just be transferring a license, with no expansion.

Mr. Brown replied in the affirmative, stating that this was an existing company and that there would be the same number of vehicles and the same service would be provided. He stated that the previous owner had retired and sold his business.

President Russell asked if it was correct that it was just an ownership change.

Mr. Brown replied in the affirmative.

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 for suspension of licensure for Rolling, Inc., which hearing was set at the May 9, 2013, Regular Council Meeting.

President Russell recognized Mr. Randy Taylor, Director of Finance.

Mr. Taylor stated that he would review this process, noting that this was not done very often and it would be good for the Council and the public to hear what took place prior to

this time.

Mr. Taylor stated that if the City believed a taxpayer owed additional taxes, it would send the taxpayer a preliminary notice of taxes due. He stated that the taxpayer had the right to appeal this, for the City to review it, noting that they had a 30-day period of appeal. He stated that if the taxpayer did not respond or if the City found that the appeal would not result in a change of opinion, the City would then issue a final billing. He continued that the taxpayer could appeal this to an independent hearing officer, who would make a decision as to whether or not the City was correct in its position. He stated that once the appeal had been exhausted or a hearing decision had been rendered, whatever tax would come out of that process would become final and the taxpayer would be obligated to pay it.

Mr. Taylor stated that the City would then begin the process of attempting to work with the taxpayer to collect the tax. He stated that, as the Council was aware, they had many deferred installment agreements, where taxpayers were allowed to pay these amounts over time.

Mr. Taylor stated that if they had exhausted all their collection efforts or if they had successfully made an agreement with a taxpayer but because of the circumstances of a particular case they believed a suspension was in order, they would bring this to the Council.

Mr. Taylor stated, concerning the items before the Council

at this time, that all the taxpayers listed had agreements with the City to make payments but that because of the circumstances, they were asking that the City suspend these licenses. He stated that the City, of course, could not take any action with regard to the suspension as long as the taxpayer honored their agreement.

Mr. Taylor stated that item No. 4 under Public Hearings To Be Held needed to be postponed until the next Regular Meeting of the Council because of a technicality.

President Russell asked if there was anyone in the audience who would like to discuss the item concerning Rolling, Inc.

Mr. Ralph Timberlake again appeared before the Council, stating that it appeared to him that it was out of order for Mr. Taylor to go to item No. 4 before the Council finished the item that was already on the floor, that it seemed to him to be a breach of protocol. He asked that the Council go back and amend that to assure that they would follow the proper protocol.

President Russell asked Mr. Timberlake if he was calling a point of order on him.

Mr. Timberlake stated that he was calling a point of order on the public servant.

Mr. Timberlake stated that he had gone on the website on the computer in the lobby to try to find out some information about this but that there was nothing there, that there was

nothing about when the action was initiated, why it was initiated, or when the action was initiated, and what was supposed to be the final outcome.

Mr. Timberlake stated that if he had understood this wonderful public servant's presentation on this, he was saying that there was already a final decision on the matter. He continued that this was a public hearing on the matter, which refuted that very statement, noting that there could not be a final decision if this was being heard in this public session.

Mr. Timberlake stated that he did not understand this, that he needed some clarification.

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

There was no response.

President Russell stated that the public hearing was closed.

Councilman Kling read and introduced a resolution suspending licensure for Rolling, Inc., as follows:

(RESOLUTION NO. 13-388)

Said motion was duly seconded by Councilman Culver.

President Russell asked Mr. Taylor if he could again briefly go over this process. He asked what he would do after the public hearing if the Council approved this suspension.

Mr. Taylor stated that he would answer that and also speak to the issue at hand. He stated that the details concerning

tax matters such as this were not made available to the public, that they were made available to the Council so the Council could understand the basis for their request. He stated that if the taxpayer came to the meeting during the hearing and contested the recommendation from his department that the Council suspend the license, they would certainly debate those issues and discuss them in the public hearing.

Mr. Taylor stated that if the Council voted to suspend the license of the taxpayer, the City could not act on that suspension unless the taxpayer failed to make the payments according to the agreement that had been successfully made with the City.

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 for suspension of licensure for Charlie's Sheet Metal, Inc., which hearing was set at the May 9, 2013, Regular Council Meeting.

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

There was no response.

President Russell moved to postpone the public hearing for suspension of licensure for Charlie's Sheet Metal, Inc., until the next regular meeting of the Council on June 13, 2013, which motion was duly seconded by Councilman Showers, and was unanimously approved.

President Russell stated that it was the time and place in the meeting for a public hearing for suspension of licensure for Tommy's Pizza, LLC, which hearing was set at the May 9, 2013, Regular Council Meeting.

President Russell recognized Mr. Taylor.

Mr. Taylor stated that the process for this was just as he had explained it. He stated that they did have an agreement in place with this taxpayer but that because of the circumstances, they were requesting the suspension, which he noted they would, of course, not enforce as long as the taxpayer complied with the agreement.

President Russell asked if there was anyone in the audience who would like 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 suspending licensure for Tommy's Pizza, LLC, as follows:

(RESOLUTION NO. 13-390)

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 Communications From the Public. He stated that when he called a person's name, they should go to a microphone, and

they would have three minutes to address the Council.

Ms. Mona Stolz, 2619 Pansy Street, appeared before the Council, stating that she was appearing before the Council at this time because her neighborhood needed help. She stated that she felt certain the Council would recall their fight to keep the MB Group from building the condos in their neighborhood. She stated that because of the lack of knowledge this company had and their plans to make a quick buck at the expense of her neighborhood, they had been unable to do so. She stated that ever since that time, the neighborhood had had to deal with houses being torn down at night, lots being used as dump sites, and very high grass.

Ms. Stolz stated that she was personally having to deal with the developer at this time, noting that her fence had been taken down in her back yard and her neighbor's back yard. She stated that she had gotten ahold of Mr. Mullins and had advised him that he had removed her fence. She continued that this was not a very nice conversation, that Mr. Mullins had had a very ugly attitude about her contacting him. She stated that she had never talked to him previously, although she had seen him many times at meetings. She stated that the conversation had gotten obnoxious.

Ms. Stolz stated that Mr. Mullins had told her he needed to get a survey in order to find out where the property line was, noting that he was building two houses behind her house. She stated that she had explained to him that she knew where

the property line was, that he did not have to get a survey, that she was in line with every neighbor up and down the street. She stated that she ended up just having to get off the phone with Mr. Mullins, noting that his last words in the conversation were, "Just sue me, just sue me." She stated that he had wanted to know why she was calling him and griping about this matter. She stated that this was just not the way one should conduct business. She stated that it was just not right for an older neighborhood like they had to have to put up with this.

Ms. Stolz stated that this had occurred approximately six weeks prior and that her fence was still not up.

Ms. Stolz stated that they had had the police come to the property, and that Mr. Mullins had immediately changed his mind and had now given her two different dates that her fence was supposed to be up but that her fence was still not up.

Ms. Stolz stated that they were continually having to call the City, on a daily basis, because Mr. Mullins either had brick, sand, or port-a-potties on the sidewalks. She stated that Councilman Olshefski had spoken about the site of the abortion clinic downtown being cluttered up with spectators and such and how this was a public hazard, and that the joggers would have to go in the street. She stated that this was what they were having to deal with in her neighborhood. She stated that she had had a long conversation with somebody from the City about continuing to have to call about this situation.

She stated that Mr. Mullins was breaking the law and asked why, after three years of this, the City was not doing something about it.

Councilman Kling stated that he was familiar with this situation and he felt the other Council members were also. He stated that there was actually asbestos that was released into the neighborhood by this developer. He continued that there was a child care center located nearby. He stated that he believed there was another situation where he believed this developer had subdivided or done something to his property, and then after the fact, he had had to go before the Planning Commission to get approval to do what he had already done.

Councilman Kling stated that the Council had had a lot of discussion about sidewalks at the prior meeting and stated that he did not believe portalets were exactly conducive to the type of things they would want to have on sidewalks. He stated that there was a pattern that was going on in this situation, noting that Ms. Stolz was not just coming down to the Council meeting because they were six wonderful guys she liked to come down and see occasionally.

Councilman Kling asked if there was any way the Police Department could do some sort of enforcement, once and for all, to deal with these types of problems that were coming up. He stated that there was a pattern in this, with these problems going on.

President Russell asked Mr. Rex Reynolds, City

Administrator, if he had someone who could answer Councilman Kling's question.

Mr. Reynolds stated that they actually had been checking into this, noting that he believed the last time they checked the developer had been permitted on some of the items they had on the sidewalk during the construction phase, or pre-construction phase. He stated that he thought there might be some change in the property that was occurring and that he would look into this and get some feedback to Ms. Stolz.

Mr. Charles Harwood, 719 Willow Shoals Drive, Madison, appeared before the Council, stating that he was a government contractor by day and had also been a bartender in the downtown area for several years. He stated that he was coming before the Council on behalf of several hundred people to ask the Council to look into the noise ordinance that was currently in place for the city. He stated that Chapter 12, Article 5, Section 12-265 was the specific ordinance section.

Mr. Harwood stated that he would like to start by applauding the City of Huntsville on the forward progress they were making for the downtown area, as well as developing several other great locations. He stated that the Entertainment Districts, while challenging, were a great baby step into revitalizing the downtown area. He stated that he did not plan to mention the Entertainment Districts at this time but that it was impossible not to address them together, since a silent Entertainment District would not be entertaining

at all.

Mr. Harwood stated that currently the noise ordinance read that any sound in a receiving line of a residential area shall not be above 50 to 55 decibels, and in commercial areas 62 decibels. He stated that his group would like to simply propose that the City, while developing the Entertainment Districts, also look into the sound ordinance.

Mr. Harwood stated, that, as an example, Austin, Texas, had a restriction that stated that no sound shall be above 85 decibels at the property line of the sound source.

Mr. Harwood stated that he would assume that they would levy the restrictions upon the venues to assure adherence to this rule, such as, for instance, the issue with Humphrey's, that they would be aware that they would be responsible for any noise coming past their property line.

Mr. Harwood stated that it appeared that Memphis, Tennessee, had no limits whatsoever, except for specific places that shall not be disturbed, such as schools in session, churches, et cetera. He stated that Greenville, South Carolina, had his personal favorite: 65 decibels at the receiving line, which he noted would be the residential zone that would have a complaint, until 11 p.m., except on weekends, where, without a specific permit, 70 decibels would be the limit, and with a permit, it would be 80 decibels, and that that would be until midnight.

Mr. Harwood stated that he had spoken with several police

departments across the nation, specifically in cities with populations between 150 and 200 thousand citizens, and that the general consensus was that venues with outdoor music were respectful after 10 p.m. on weekdays and 12 a.m. on weekends. He stated that it was actually very surprising how many larger cities did not have a specific level of restriction. He asked that the Council understand that the majority of individuals he had had the liberty of speaking with, as well as the founding members of his movement, had no intention of truly keeping downtown loud but, rather, keeping the entertainment industry alive and able to be part of the ambiance of a thriving downtown area.

Mr. Harwood stated that the small business owners, the restaurant workers, the patrons, and the 600-plus supporters of the petition that he had with him, if the Council would like a copy, all wanted the social environment, as well as the growth of the residences downtown, to co-exist. He stated that they supported the idea that the owners and managers of businesses in the downtown area should be held accountable in following all ordinances and providing a favorable place to live and that they also supported the idea that when a business let things get out of hand, concerned citizens had the City to rely upon to make things right.

Mr. Harwood stated that what they was asking for was a specific shift in the allowable levels of music and sound.

Mr. Harwood stated that, in closing, he would like to

point out that 60 decibels was roughly less than that of a normal conversation, noting that this entire Council meeting had been above 60 decibels. He stated that 70 decibels could be compared to passing traffic.

Mr. Harwood asked the Council to please consider revising the City's noise ordinance.

Mr. Colin Brooks, 2329 Poincianna Street, appeared before the Council, stating that he was a constituent of District 4, and a founding member of [keepdowntownloud.org](http://keepdowntownloud.org), and that he was in a band called "Seducing Alice" and was the lead singer and driver of the Winnebago. He stated that he had been playing in clubs in the downtown area for approximately seven years and that over that time, he had seen the area go through a lot of highs and a lot of lows. He stated that at this time he was very excited that there were a lot more living options springing up, as well as more resources being focused to the downtown area.

Mr. Brooks stated that this newness was very exciting but that it brought with it a few growing pains, most notably what had brought him to this Council meeting, which was the sound ordinance to which Mr. Harwood had alluded.

Mr. Brooks stated that at this time the liability of staying within this ordinance had fallen squarely on the shoulders of bands such as his. He stated that he could not speak for every band but he could say that those that had spoken to him had all expressed a desire to work within the

law, provided that the law was fair, noting that they did not feel that 62 decibels was very fair. He stated that the bands had no control over the structural quirks that had exacerbated this issue. He stated that, as Chuck had stated, 62 decibels was basically conversational tone. He stated that they played through amplified instruments, not to mention drums, and that this was just not a level they could realistically achieve, barring going fully acoustic.

Mr. Brooks stated that he was not appearing before the Council to ask that they make downtown loud, that he was asking that his band and bands such as his would be able to go play their music for people who wanted to hear it, and that those people would actually be able to hear them.

Mr. Brooks asked the Council to please consider revising the noise ordinance in the newly forming Entertainment Districts from 62 decibels to 70 decibels at the receiving line.

Mr. Matt Butler, 2601 New Orleans Street, appeared before the Council, stating that he was another of the organizers of [keepdowntownloud.org](http://keepdowntownloud.org). He stated that his colleagues had previously addressed his concerns as a musician and a patron, and that he would like to address the issue as an architect. He stated that, obviously, his professional livelihood depended on development and that he had been fortunate to have been involved with the Madison County Veterans Memorial and a number of the projects now under construction at Twickenham Square.

He stated that these projects and many others had been positive steps in the City's plans of creating a more vibrant downtown and city as a whole, and that he applauded them for that.

Mr. Butler stated that his concern at this time was that the recent enforcement of a decades-old noise ordinance would be counterproductive to the City's goals for downtown redevelopment. He stated that he was aware that there had been a great deal of work and cooperation already between the City, business owners, and concerned residents.

Mr. Butler thanked the Council for their efforts and urged them to continue to work toward a modification of the noise ordinance so that downtown could continue to evolve and remain a vibrant and desirable destination for the citizens of Huntsville and surrounding areas and their guests.

Mr. Doug Smith, 601 Meridian Street, appeared before the Council, stating that he was the owner and developer of Park Place Plaza and the event venue, The Lumber Yard, and that he was also a sound engineer, with more than 40 years of experience, and that he was once a performing musician and had personally played Humphrey's Courtyard in a previous life.

Mr. Smith stated that he assumed everyone present agreed that they wanted the downtown area to be vibrant, to have restaurants, nightclubs, retail, and museums all humming along with patrons, a downtown that would attract tourism for the hotels and conventions, and would offer a variety of special events for its citizens. He stated that for those persons who

preferred loud, there were traditional clubs where one could stand directly in front of the speakers and rock to their heart's content.

Mr. Smith stated that the issue at this time was for the patios and courtyards, which he noted included his Lumber Yard, that were invading the public's inner space with their entertainment programming. He stated that he recognized that few persons over 60 felt warm and fuzzy when a band covering Led Zeppelin floated through the window at 1 a.m. He continued that neither were the late-night revelers enthusiastic about the next-door neighbor cutting the grass at sunrise.

Mr. Smith stated that, in his opinion, fining the musician was not the solution; that compromising with one's neighbor without getting the police involved was more in order. He stated that he wanted to suggest that instead of keeping Huntsville loud, they keep it proud. He stated that as a sound engineer in an engineering town, he hoped that the recording studio term "fix it in the mix" might apply, because that was what needed to happen when they started measuring decibels in an open-air environment.

Mr. Smith stated that he would propose that the properties garnishing the complaints find a way to "fix it in the mix" themselves, by controlling stage volume and reflection. He continued that stage volume could not be controlled with a knob, that they should do what any band member did and blame it

on the drummer. He stated that, generally, the band's stage volume was competing with the drums, that he had mixed shows where the stage volume was so loud that he had turned off guitar mike amps. He continued that he would suggest that any property owner invest in shields, drum shields, for their stage, which he noted would keep the noise level down. He stated that a mixed fix projecting into large, varied spaces required the band to haul around very loud front-of-house speakers. He stated that if a venue would provide amps and speakers placed more strategically, the patrons would enjoy great sounding rooms rather than "I can't hear myself talk" spaces.

Mr. Smith stated that the cavern walls of Humphrey's could be treated to act not like a speaker cone magnifying the sound, that a slatted roof, much like a portico, would soften projection. He stated that the south wall of Partners Bar was a trampoline bouncing Furniture Factory music into Old Town, but that with a slatted wall, they could obtain sound absorption and create an artistic architectural design. He stated that one should imagine big, oversized shutters.

Mr. Smith stated that the implementation of these fixes could be funded from benefit concerts held at the clubs that were creating these issues. He stated that the win for the bands would be that they would not have to lug the equipment and they could sound better and avoid infractions, and that neighbors could sleep better.

Mayor Battle thanked Mr. Smith for his comments, noting that this was pretty much what they were working on at this time with the owners on the property where Humphrey's was located. He stated that persons might recall that when LeeAnn's had first started having outdoor music, they had had to do some adjustment on that and had worked with that, and that when Furniture Factory first started having outdoor music, they had some complaints on that and had had to do some adjustments on it and had gotten it fixed. He stated that in the decade-long time the City had had the noise ordinance, he believed there had been just one ticket, which he noted was three weeks prior, and that it was after numerous times of being asked to lower the sound.

Mayor Battle stated that everyone was going to work together on this, that they were going to make it work, that they had to make downtown something that was a success, and that in order to do that, they had to make sure they took care of both sides, the residents and the venues that were located in the downtown area. He stated that they were going to work through this.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she wanted to wish all the seniors in the city the best that life had to offer and the rest of the students a great summer.

Ms. Reed stated that she hoped the vote was there to pass the item on the agenda about longevity pay for City employees.

Ms. Reed stated that she had gotten a container from a club and she had some Red Bull and had been walking around downtown, noting that she was not drunk yet but that she could be.

Ms. Reed stated that the Entertainment District item was on the agenda and that she knew the votes were there to pass this. She stated that she did not understand why the Council had not held a public hearing on this so that they could have more public input on it. She stated that it was her understanding that persons could drink while walking around downtown, on the streets, and go from one bar or one restaurant to anywhere they wanted to, in 96 acres in the city, and drink from open containers, in Big Spring Park, where the children were. She stated that she understood that they now wanted to extend this to seven days a week, from noon. She stated that for the chosen few, this was good. She stated that she did not have a problem with businesses in the downtown areas selling alcohol or having live entertainment, noting that, however, there was a problem with the noise ordinance.

Ms. Reed stated that this all had to be worked out, noting that it was the citizens' city, everybody's city, and not just for the people downtown and the chosen few, that it was about all the people. She stated that she worked in a restaurant and she heard a lot of static every day, while the Council members just heard from the chosen few.

Ms. Reed stated that the bars downtown did not have a

problem with entertainment in front of their locations. She asked how these persons would be helped if persons went in and bought a drink and walked the streets with it. She stated that persons could go to their cars and refill their cups and just keep on drinking. She stated that there were not enough taxpayers' dollars and enough police officers to cover this.

Ms. Reed stated that she was totally against people walking the streets in the city with open containers. She stated that the preachers were even talking about this, that they were praying about it. She stated that a lot of persons in the city did not drink alcohol and perhaps they might want to stroll the streets. She stated that she did not want to pass a bunch of drunks breathing in her face with alcohol, and that she did not want drunks staggering all over the park where the kids were. She asked if the Council did not think that persons could get drunk walking up and down the streets with drinks. She stated that she did not have a problem, through special exemptions, with the people who had businesses entertaining persons and letting them drink outside, or in the back. She stated that this would help businesses with their money. She stated that money was what the City was looking for but they were not going to get it with persons walking up and down the streets.

Ms. Reed reiterated that she was totally opposed to persons being able to walk with open containers up and down the streets.

President Russell stated that the item Ms. Reed had been referring to was 13.e on the agenda, Ordinance No. 13-354, and that the Council would be discussing this later in the meeting.

Mr. Chris Dayton, 1906 Wooddale Drive, appeared before the Council, stating that he had been disappointed at the prior Council meeting and he just wanted to bring this before the Council. He stated that at that meeting, he had asked that one of the Council members make a motion to just discuss an item included in an ordinance, and that considering all the discussion there had been on that issue, he did not think it was too much to ask for a few minutes to discuss what he had requested, noting that he was very interested in seeing who was for it and who was against it, and that he was disappointed that it had not happened. He continued that he thought it was relevant.

Mr. Dayton stated that the last two times he had attended Council meetings, the friend that he had brought with him had been harassed by the security personnel in the lobby. He stated that he thought the security personnel were good guys and had a noble mission, that they were trying to protect the city and that he deeply appreciated that. He continued that two days before this had happened, his friend, whom he noted was a homeless veteran, with disability pending, had been threatening suicide, and that he had been living with him since that time.

Mr. Dayton stated that he had been trying to show his

friend what made him excited about life and that he had brought him to the Council meeting and that the Council was having the Roe v. Wade debate and that someone had given his friend a sign that said "Pro Life." He stated that his friend was pro-life while he himself was pro-choice. He continued that his friend had had an incident where someone had not talked to him when they had gotten an abortion, so that he was sensitive about the issue. He stated that his friend had added to his comments before the Council that he was pro-suicide, because two days earlier he had been where he was suicidal, because he felt like he would like to have a way to die that was honorable and respectable, that he had not felt like he had any options. He stated that also his friend had added to his comments his religion, which was the Church of the SubGenius, which he noted was pretty special but that his friend believed it, just as much as he saw a lot of other persons having faith in their own stuff.

Mr. Dayton stated that as he and his friend were leaving that Council meeting, his friend had been pulled aside by Security because they had seen this sign, and they asked him what it was about, and they had talked to him, and at some point they had tried to rip this sign off his neck, and they had told him that he could not come back again with that sign. He stated that at the last Council meeting, his friend had come back with the sign tucked in his shirt, and they asked him if he had the sign and if he was going to wear it, and the friend

had said "Not in here."

Mr. Dayton stated that his friend had not done anything wrong but have an opinion, and that the Council had been talking for hours in the meeting about freedom of speech, and as they walked out of that meeting, someone tried to rip a sign off of someone's neck.

Mr. Dayton stated that this was why he had felt the other point mattered, because persons did not always act the way they wanted. He reiterated that the Security person was probably a really great guy, that he had done years of service to the City, but that he just did not think that was cool.

Mr. Dayton stated that he appreciated the City having the preemptive meeting on the sound ordinance, that he felt that that had smoothed things out. He stated that he loved what they were doing with the Entertainment District, noting that he would like for them to include Saturdays.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that first, as a United States Army veteran, he wished to respectfully acknowledge the 14 soldiers, marines, or airmen who had died in the war, with their names being released by the Department of Defense, since the Council had last met two weeks prior.

Mr. Cox stated that as a retired Federal Civil Servant, he again wished to voice support for the Huntsville City employees and to request that the Council take agenda item 13.a, Ordinance No. 13-254, regarding longevity pay benefits, off the

table and pass said ordinance. He stated that he wanted to thank the distinguished Councilman from District 1 for sponsoring this ordinance and to beg the distinguished Councilman from his district, District 4, to vote in favor of the ordinance.

Mr. Cox stated that this was a compensation benefit for City employees. He stated that by past practice, the providing of longevity pay was in the best interest of the public, noting that the benefit improved morale and performance of employees and helped keep trained employees on the rolls. He stated that to be most effective, this had to be at a level to make it effective, and that this change would do this. He stated that it was often heard at the Council meetings and from the City department heads and the public of the well-trained, well-performing employees of the City. He stated that in 1974, when his home had been hit by a tornado, the first persons in his neighborhood were Huntsville firemen, who were checking on his family's well-being and were turning off the gas to assure that there would be no further damage. He stated that when there were events such as this, where citizens needed a public service, they wanted well-trained, well-performing employees, whether they were police officers, fire fighters, Public Works employees, or employees of any other department. He stated that one wanted employees whose morale was high because their employer treated them right.

Mr. Cox asked the Council to vote in favor of this

ordinance.

Captain Stephen Jones, 2606 Artie Street, appeared before the Council, stating that he was President of the Huntsville Fire Fighters Local 1833, and that he was appearing on behalf of those members, as well as the other 1900 employees of the City. He stated that they wanted to show their support for the longevity ordinance, an issue that had been quietly ignored for 45 years. He stated that he believed everyone would be in agreement that 45 years was a long time for this not to have been addressed.

Captain Jones stated that the longevity ordinance had been created to recognize and express the City of Huntsville's appreciation for the long-term service of a City employee. He stated that this long-term service equated to experience and that experience bred confidence. He stated that when a citizen called one of the Council persons with a concern, they would forward that concern to the proper department with confidence, because they were aware that City employees would work diligently to correct that issue for that citizen, and every other citizen in the city. He stated that they knew this because at each Council meeting someone would praise a City employee or a City department for the job they had done.

Captain Jones stated that this ordinance had been written with the concerns the Council had expressed to them, noting that their main concern was the financial impact it would have, and that they had requested a phased-in plan. He stated that

this had been done and that the Council had been presented with a three-year phased-in plan. He continued that the cost of the plan was minimal compared to the return the City would receive. He stated that every week the Council was asked to invest in a project that would benefit the city in some form or fashion. He stated that the group he was representing was asking the Council to invest in them, noting that the gains the City would receive would be immense compared to the small investment they would be presenting each of the employees.

Captain Jones stated that they had done comparisons with other cities that were similar in size to the City of Huntsville and had discovered that when the proposed ordinance would top out in the third year, Huntsville would still be on the bottom end of these comparisons. He stated that 45 years was a long time for anything to sit on a shelf without taking it down. He stated that they had written an ordinance as the Council had requested, that they had shown them the disparities with other cities. He stated that the employees had appreciated the words of thanks and the pat on the back for jobs well done, and that now they were asking that the City show how much they valued the experience the employees had, which instilled the confidence and pride the City had.

Captain Jones stated that at this time he was urging and imploring each of the Council members to vote in favor of the longevity ordinance.

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared

before the Council, stating that first he would like to recognize his fellow combat-in-arms men, since they were coming up on Memorial Day. He stated that he would like for persons to understand that these men and women had offered up to the full measure, that some of them had even had to give the full measure, for the freedom and openness of government the country had at this time. He stated that to that end, he would also like for persons to know that a blind hog could sometimes find an acorn and that the results if he did not find it would be that he would die.

Mr. Timberlake stated that as a infantryman, he understood the need for information, noting that good information could not be overly emphasized. He stated that as the Council members were aware, he attended almost every Council meeting, and he had been entreating them, imploring them, and begging them to become more open with the citizens. He continued that this was not happening.

Mr. Timberlake stated that he had asked numerous times for more information to be made available on the two computers in the lobby, so that citizens could know exactly how the City was operating. He stated that to that end, he had also had the misfortune of having a friend go on the internet and advise him that the Huntsville Hospital, one of his favorite topics, had changed their committee meetings, in writing, from the 29th to the 22nd. He continued that he had a copy of this. He stated that as a concerned citizen, he had expended his gas and time

to go to this meeting, only to find out that this was not to be. He stated that he had taken the time earlier in the day to call the hospital, and that one of their employees had told him that this meeting would be on the 28th. He stated that this was disparity.

Mr. Timberlake stated that, as the Council was aware, in the next two months, they would have the opportunity to appoint numerous individuals who had been on boards, as if they owned these boards, for years and years. He asked them to take the time to seek out other candidates, worthy candidates, who could replace these individuals, and give these new persons the opportunity to serve, and to give the persons who had served with such longevity a rest. He stated that they should care enough about the public servants so that they would not become misguided and think they owned these positions. He noted that these persons did not have to stand for election, as the Council members did, and that they needed to be rotated, that they did not need to be on these boards forever.

Mr. Timberlake asked the Council members to be concerned about veterans, and that when they were concerned, to put it into practice and, in fact, hire a veteran and give them preference, not equality but preference. He stated that he hoped they would look in the dictionary and find that the two words did not have the same meaning.

Ms. Nancy Grayson VanValkenburgh appeared before the Council, stating that she had the house at 108 Gates downtown.

She stated that this had been a residence since 1905 and was zoned Residential. She continued that her family had been at that location since 1907, that this had been a really nice home all these years.

Ms. VanValkenburgh stated that she liked the idea of having something really nice for the downtown area, noting that with the proper behavior downtown, she felt they would have a really nice place. She stated that she just wanted to ask that persons be considerate in doing this.

Ms. VanValkenburgh stated that her house was old and that she had spent more than \$100,000 just trying to maintain it and getting it back into really good condition. She stated that she wanted to be able to live there and have a decent quality of life and that she knew that other persons who were going to be downtown wanted a good quality of life and that she would like for them to have it. She stated that she would want persons to consider that there were people who had to put up with some things that sometimes got over the top. She asked them again to be considerate.

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 appoint Natalie M. Smith to the Madison County Retardation Board, for a term to expire April 1, 2017, as follows:

(RESOLUTION NO. 13-391)

President Russell moved for approval of the foregoing

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

Councilman Showers read and introduced a resolution to appoint Dr. Camille Wright to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2016, as follows:

(RESOLUTION NO. 13-392)

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 appoint David Mathis to the Huntsville-Madison County Marina & Port Authority Board, for a term to expire July 1, 2017, as follows:

(RESOLUTION NO. 13-393)

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

President Russell asked if there were any Board Appointment Nominations.

There was no response.

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

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

(RESOLUTION NO. 13-394)

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

President Russell asked Councilman Kling if there was a Finance Committee report.

Councilman Kling replied in the negative.

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

President Russell recognized Mayor Battle.

Mayor Battle stated that the current week was Emergency Management Week and that these persons should be honored for their work, noting that they did great work for the city.

Mayor Battle stated that there would be a press announcement about 22 indictments being made throughout Huntsville and North Alabama. He continued that this was the joint work of the STAC Unit, the Madison County Sheriff's Department, the Huntsville Police Department, the FBI, and the U.S. Attorney. He stated that this had been a one-year, ongoing investigation and that a lot of the work had come about because of roles that Community Watch and the neighborhood associations had played throughout the communities. He stated that they heard on a constant basis at neighborhood association meetings about some activity happening at some house which should not be happening and that something was going on, and they would take that information back, or persons would call in to the police number or report it through their Community

Watch. He stated that it might appear that nothing would be happening, but then a year later, all of a sudden 22 persons who should not be in the neighborhoods were rounded up and taken in. He stated that he wanted to say to everyone who was working in Community Watch or the neighborhood associations that their work had paid off.

Mayor Battle stated that there had been a tragedy recently in Moore, Oklahoma. He stated that Huntsville had been through these tragedies previously and that their hearts went out to the persons in Moore. He suggested that any citizens of the city who had extra funds or extra resources that they could contribute to contribute through the Red Cross so that the money could get out to that area.

Mayor Battle stated that the city had lost two good citizens recently: Jim Marek, whom he noted was on the Planning Commission and was head of Historic Preservation, and a past president of a neighborhood association; and Col. John Moon, the husband of Ms. Sandra Moon. He stated that these were two great citizens and that he hoped that everyone would keep their families in their thoughts and prayers.

Mayor Battle stated that Governor Bentley had come to the city and that they had hosted a meeting with 40 industrial leaders in the city so the Governor could hear the story of Huntsville and what was going on in the city, and that he thought he had left very impressed, noting that they had gone through everything from the cyber area to the

telecommunications area to the dark fiber area, and had talked about data dumps and big data, and that it was very enlightening. He stated that he believed the Governor had gone away with the idea that Huntsville was a smart place to live, work, and play.

Mayor Battle stated that he had recently had lunch at Blossomwood School and that he had certainly enjoyed it.

Mayor Battle stated that on the prior Saturday, they had held Healthy Huntsville in Big Spring Park and had had approximately 2,000 people there, all working out and having a great time. He stated that these events would be held every weekend in June, with one program starting at 8:30 a.m. and one starting at 10 a.m., where persons could work out and get a little active.

Mayor Battle stated that during the week they had reviewed the three finalists in the retail proposal for John Hunt Park and that they would be making an announcement soon on this, that they were working through the details on this and getting some final questions and answers completed. He stated that they had three good companies looking at the possibility of developing John Hunt Park. He continued that this would give the City the seed money for its development of John Hunt Park, on the recreational side.

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

Councilman Kling stated that he believed everyone on the

Council and in the Administration knew Jim Marek and had a high regard for the work he had done for the Merrimack neighborhood and also for Southwest Huntsville, as well as the city as a whole. He stated that certainly they all appreciated the great work he had done and stated that he believed the city was a better place because of Mr. Marek.

Councilman Showers stated that he also wanted to acknowledge the contribution of Mr. Marek to the city.

Councilman Showers stated that Alex Adams had passed away, noting that most persons knew Mr. Adams as the Allstate insurance person on Jordan Lane.

Councilman Showers stated that on June 2, he would be holding his annual town meeting at the Showers Center on Blue Spring Road, at 6 p.m. He asked that all concerned citizens come to this meeting to voice their concerns about what was going on in their neighborhood and community.

Councilman Showers stated that Johnson High School had been invited to a great function and had been struggling trying to raise the money for this opportunity. He stated that the school would certainly be appreciative of any support they could get from the community.

Councilman Showers stated that he had had the opportunity to represent the City the prior week in Montgomery at the Annual League of Municipalities meeting and that he would have the opportunity at the next work session of the Council to make a report concerning this and to say how proud they were of

Huntsville based upon comments made by other leaders across the state. He stated that each time persons came to Huntsville for their annual meeting and spent three or four days in the city, it was a lasting memory. He stated that this group would be meeting in Mobile the following year but they were looking forward to coming back to Huntsville. He stated that he was delighted he had had the opportunity, along with Councilman Culver, to represent the City at this annual meeting.

Councilman Showers stated that he hoped everyone would have a safe and blessed Memorial Day weekend.

Councilman Olshefski expressed appreciation to Mr. Cox for honoring the soldiers who had died for the country, noting that this went right along with Memorial Day weekend. He stated that this was so the city could continue to have the kind of things they were having at this time, noting that sometimes persons agreed and sometimes they disagreed, and that the goodness of this was that persons had the right to do this, and that it was for this that all these great Americans had fought.

Councilman Olshefski stated that he believed Mr. Marek was a genuinely great guy who believed in his city and stated that certainly more persons like him were needed and that they were looking forward to persons who would step up to continue to carry the mantle.

Councilman Culver stated that he would also like to honor the three icons the city had lost recently. He stated that he

understood that Mr. Adams was Councilman Showers' brother-in-law and offered his condolences to him and his family, as well as to the Marek family and the Moon family.

Councilman Culver stated that it had been a great trip to the League of Municipalities meeting and that he had come away with a lot of great ideas which he hoped might be implemented in Huntsville, as well as persons from other municipalities in the state implementing some of the ideas that he and Councilman Showers had shared.

Councilman Culver stated that when he thought about Memorial Day, he got jealous, because he was not a veteran himself. He stated that he wanted persons to think about the soldiers who were fighting on foreign soil as Memorial Day was being celebrated. He stated that everything that would be done on the upcoming weekend would be because some persons had paid the ultimate price. He stated that he would be attending all the events honoring veterans that he possibly could attend.

President Russell acknowledged Mr. Randy Taylor, Finance Director, and asked if he wished to address the Council.

Mr. Taylor stated that he wanted to remind Councilman Kling and the Council that they had intended to do the Mid-Year Budget Review at this meeting. He stated that it would be up to the Council as to whether they wanted to entertain this.

President Russell asked Mr. Taylor to proceed.

Councilman Kling stated that one of the reasons they had

wanted to have Mr. Taylor make this presentation at this meeting, or at a Regular Council Meeting, was that with the meeting being televised, it would be seen by more persons in the community, versus a work session of the Council.

Mr. Taylor stated that it was a bit later than this review was normally presented, noting that there had been several conflicts and he had been unable to do this previously. He stated that it was good in that now they could include seven months' worth of data, noting that to have more information was always better.

Mr. Taylor stated that they were required by City Council ordinance, the Budget Ordinance, to present this Mid-Year Review.

Mr. Taylor made a PowerPoint presentation. He stated that he would first review the General Fund's 2013 Budget; he would review a bit of the Budget history, which he noted was important information that they needed to keep in mind; that he would talk about the current status, where they were after seven months of activity; and then he would talk about what that might mean for the remainder of the fiscal year as they entered the 2014 budget season.

Mr. Taylor stated that the Council might recall that the 2013 Revenue Budget for the City, the General Fund, was \$236 million, or somewhat less than that. He continued that this was \$6.9 million more than had actually been collected in the prior year. He stated that they expected to grow

approximately 2.9 percent in the current year in order to meet the budget expectations. He stated that the prior year's Revenue Budget was approximately \$229 million, noting that they were very close between budget and actual in the prior year, so that when the Council had made decisions about the current year's budget without actually knowing where they were going to end the prior year, it had ended up being very close. He continued that the 2.9 percent growth they had adopted was what, in fact, was needed.

Mr. Taylor stated, concerning expenditures, that after several years of difficulty in balancing the budget, they had balanced it and that it was balanced within the \$236 million. He stated that there were some restricted funds included in this that accounted for the difference.

Mr. Taylor stated that the General Fund Budget cost increases showed what the \$6.9 million extra was spent on in the current year's budget. He stated that Personnel consumed most of the budget increase every year, noting that this was \$3 million and that one could see roughly how this was broken down. He stated that step raises were approximately \$2 million each year, and that there had been a 1 percent cost-of-living adjustment. He stated that Retirement and Health Care had increased approximately \$1 million, and that then there was a reduction of approximately \$1.1 million in all of the categories. He stated that this was the means by which they had proposed to pay for the cost-of-living increase: by

holding positions open longer, using additional vacancies to pay for this. He stated that that was the \$3 million extra.

Mr. Taylor stated that the Operating Budget had been increased \$1.1 million. He stated that departments had been held at constant budgets for several years and that these were just mandatory things that were very difficult to control: repairs and maintenance to the City's fleet; some utility costs; that fuel costs were slightly increased; and things such as professional fees related to City litigation.

Mr. Taylor stated that Huntsville City Schools' appropriation was increased. He continued that a large part of the budget increase had been based on sales tax and stated that City Schools got an automatic increase associated with this, as did the Capital Improvement Plan, although this was not as much as it was supposed to be. He stated that there had been a significant change in the funding to the CIP, noting that the Council might recall they had actually cut that by \$6 million per year in the prior year. He stated that this was the sum total of all the adjustments and how that had affected this.

Mr. Taylor stated that the City's budget history was important to remember because the recession had impacted the revenue significantly, even though, as the Council was aware, the City had not suffered the affects of this as much as other places. He continued that they still lived with this at this time, that the budgets had gotten smaller during that period of time, and, although things had normalized, they had not gone

back to where they had been prior to the recession, that they had started growing from that low point.

Mr. Taylor indicated on the display, stating that the Council might recall the curve in the revenue growth, noting that the green dots represented what they had expected the budget to grow each year, from 2004 to 2011. He stated that the line actually represented what the growth was, noting that they had had some really good years between 2004 and 2007, and that then in the year they had adopted the highest budget increase ever, they had seen revenues fall in the middle of the fiscal year.

Mr. Taylor stated that the expense budgets during this period of time were actually rising. He stated that they were aware the recession had begun in the middle of 2008, and they had begun to make some adjustments, that they had leveled the budget, and then had had to make some difficult decisions in 2011 and 2012, when they had responded to this. He stated that revenue had gone down 1 percent in 2009 and 4 percent in 2010, so that they had budgets that were increasing while revenues were decreasing, and had experienced quite a bit of stress during this period of time.

Mr. Taylor stated that to review what they had done in order to get their house in order and to restore their reserves, not spend their emergency reserves any further, they had actually implemented cuts in the budget. He stated that some costs had been rising during the recession, that

Personnel, for example, rose \$10 million, including step raises, retirement, health care. He continued that costs were rising while revenues were falling. He stated that it had been necessary for them over that four-year period of time to actually cut, in the year 2011, \$27 million. He stated that they had cut \$7.6 million in fleet for the departments, noting that this was all the vehicle needs across the City; that Personnel had been reduced approximately \$3 million, noting that this was primarily from the 2010 early buy-out. He stated that this had been included in the \$10 million he had cited previously, noting that it had actually gone up \$13 million and they had reduced it \$3 million. He stated that operating costs had been reduced \$2.7 million, noting that this was by taking money away from the departments. He stated that agencies, outside agencies and City agencies, had been cut \$1.4 million, and that the CIP had been cut \$12 million.

Mr. Taylor stated that the final restructuring of the Capital Improvement Plan had taken place in the current year's budget, 2013, where \$77 million had been removed from the Capital Plan, in all areas, over the next five to seven years.

Mr. Taylor stated that if they would look at the actual snapshot through the month of April, which he noted was seven months into the fiscal year, they could see the top 10 revenues in the General Fund, noting that they were listed in descending order, with No. 1 being Sales and Use Tax, which he noted accounted for approximately 55 percent of the General Fund

Budget. He reiterated that 2.9 percent growth was what was needed and stated that they were seeing 2 percent at this time. He stated they had done well through the holiday season but that this had slumped a bit in recent months. He stated that at the current rate of 2 percent, they would find themselves approximately \$1.2 million less than budget. He stated that each percentage of sales tax was approximately \$1.2 million. He stated that this was where they were if they did not make up this gap.

Mr. Taylor stated that Privilege Licenses was the second highest revenue source, although it was only \$19 million. He stated that this was actually running ahead, and they were confident thinking that it would end ahead, possibly half a million dollars. He stated that Huntsville Utilities payments to the City were a large source of revenue, approximately \$16 million, and noted that these were not off by much. He stated that this was always difficult to predict when they were talking about water and gas usages.

Mr. Taylor stated that Property Taxes were doing well, ahead of what they had projected, noting that they expected an approximate half a million dollar increase there.

Mr. Taylor stated that one could see all the other ones listed, noting that all other revenue accounts, of which there were hundreds, were also doing well, being, collectively, about \$600,000. He continued that they believed they would have approximately \$1.1 million in additional revenue at the end of

the year, based on where things were at this time. He stated that sales taxes could change significantly, that they could be \$1 million down in one month, and then they could be \$2 million down, and then they could be \$1 million up. He stated that this was very volatile.

Mr. Taylor stated that the next display showed a Sales/Use Tax snapshot, noting that the Finance Committee received this each month. He stated that this was cash collections, which was a slightly different figure than what had been seen in the previous slide, 2.8 percent. He stated that they were at 2.1 percent, which meant they would have to do 4.3 percent for the upcoming five months. He stated that this just provided a frame of reference for what they needed to do for the remainder of the fiscal year. He stated that 4.3 percent in the current, somewhat anxious economy was an aggressive figure. He stated that they were not optimistic that they would hit 4 percent but that hopefully they would be able to move closer to budget.

Mr. Taylor stated that the next display concerned expenditures. He stated that they spent as much on Personnel as they collected in sales tax, that they were about equal in the budget. He stated that this was a dominant share, approximately 53 percent of the General Fund Budget. He stated that at this time they were running approximately \$1 million to \$1.5 million over budget. He stated that this changed every pay period, noting that a lot of it had to do with the hirings they were beginning to see as they moved into the summer, in

departments that had outdoor activities and work forces. He stated that they were also seeing retirement payouts and stated that they had to take that into account. He stated that this was difficult to project but noted that at this time overtime and the regular pay was running over budget.

Mr. Taylor stated that Health Care costs were running under budget, fortunately, but, however, they were growing at an 11 percent rate compared to the previous year. He stated that they expected to be within a quarter to a half million dollars under budget.

Mr. Taylor stated that there was only one thing more variable than sales tax and that that was fuel costs. He stated that this would be plus or minus \$100,000 at the current rates at the pump.

Mr. Taylor stated that Fleet repairs was another difficult expense, noting that at this time they were running over budget. He stated that there were many departments who had not bought fleet because it had been eliminated from the budget, for the most part. He continued that they had used the Capital Plan to buy some. He stated that this was showing up now in the cost of repairs, that this had been a problem the prior year and remained a problem in the current year.

Mr. Taylor stated that all other costs appeared to be within budget.

Mr. Taylor stated that at this time, based on these major expenses, they were seeing themselves in the approximately

\$1 million short range, or possible more than that. He stated that it was very difficult to tell on Personnel, where they were headed in that regard.

Mr. Taylor stated that \$1 million out of a \$236 million budget was one-half percent. He continued that this was very close, considering how difficult it was to predict. He stated that, likewise, with Expenses, that with 2400 employees and all the moving around that took place there and all the costs they had, some of which were difficult to control, that to be within one-half percent of this was also very good.

Mr. Taylor stated that at this time they would continue to watch Sales Tax and continue to watch Expenses and keep these as much under control as possible.

Mr. Taylor stated that the next display showed 2014 Budget Issues. He stated that the Council had heard this many times and he was certain they did not want to hear it another time and that he did not intend for this to be a bad news reminder but that it was just a reminder of what they continued to deal with, like many other communities. He stated that they had lost a lot of money during the recession and that it had not come back. He stated that they had started to grow again and that there was incredible financial strength in the community, with a lot of economic opportunities and investments to be made, but that there was also anxiety, and this still made it very constrained for them in the budget, that the General Fund and the CIP were very constrained.

Mr. Taylor stated, concerning the upcoming year's budget, that when a budget was adopted, the next day they would have almost spoken for \$5 million of new spending in the following fiscal year and they would not have even left the Council Chambers. He stated that this was because of the step raises, for example, which he noted were \$2 million each year, noting that these had been granted by the Council each year.

Mr. Taylor stated, concerning retirement, that they had been aware in the prior August that retirement 15 months from that date was going to be \$1.1 million higher than it was previously, noting that the rate continued to rise.

Mr. Taylor stated that health care costs would be up some but that hopefully this would continue to moderate and would be less than what they had seen in the past.

Mr. Taylor stated, concerning Operating Costs, that they were aware that repairs and maintenance for the facilities and the fleet were going to command at least a \$1 million increase.

Mr. Taylor stated, concerning the cost-of-living increase, that for every percent, it would be approximately \$1 million, in round numbers, that the Council could keep in mind.

Mr. Taylor stated that, without making any decisions, the Council was faced with \$5 million to \$6 million that was already spoken for, noting that this was just the reality of where things were because of how the budget had gotten compressed in the prior five years.

Mr. Taylor stated there were numerous needs that they

continued to not address, including street resurfacing, in the CIP, which he noted had been reduced in the current year; agencies that had not been restored; that they were not buying any fleet. He stated that these were just the realities of what they were dealing with. He stated that they would continue to do the best job they could within the financial limitations.

Mr. Taylor stated that he would be glad to answer any questions that the Council members might have concerning this. He continued that he would then have one more item to discuss.

Councilman Culver stated to Mr. Taylor that at the beginning of his presentation, most likely the second or third slide, under Personnel, there was a negative \$1.1 million, and asked what this concerned. He stated that perhaps Mr. Taylor had already covered that.

Mr. Taylor stated that he had touched on it briefly, noting that it was difficult to understand. He stated that when they had approved the COLA in the budget, which he noted was \$1.1 million, a 1 percent COLA, the proposal had been to pay for that by losing by attrition approximately 25 positions in the work force. He continued that if one assumed equal numbers of persons in the budget, the value of 25 positions would be approximately \$1.1 million, so that they had assumed that through delays in hiring and elimination of positions, they would recapture much of the cost of the COLA. He stated that that was what the negative was, that they would actually

see the budget go down because they would have fewer people.

Councilman Culver asked if this had happened.

Mr. Taylor stated that it had not happened as much as they would have expected it to, that it had happened to some degree but not completely.

Councilman Culver stated that based upon the information Mr. Taylor had presented, it appeared they had saved approximately \$3 million with the last buy-out. He stated that he was aware that salaries had been going up, to \$13 million, but they had shaved off, if he was not mistaken, \$3 million through the buy-out.

Mr. Taylor stated that that was what they had done over a four-year period.

Councilman Culver stated that these were just thoughts for how they could perhaps remedy some things for the following year's budget, just food for thought.

President Russell stated that when Mr. Taylor had spoken about business privilege licenses, he had taken it as a good sign that they were way up and asked Mr. Taylor if he knew the reason for this.

Mr. Taylor stated that Mr. Hagood was the person who oversaw that activity. He stated that most of the business licenses they had were based on gross receipts, so that, typically, when they saw a good year in sales tax, such as the 4.8 percent growth in the prior year, they would expect to see a healthy rise in business license fees that would be paid. He

stated that they had not expected it to be as high as it was but noted that it was a variety of collections. He stated that he could not speak about any specific industry but that it was just across the city. He stated that 2012 activity was what had been seen in the current year's business licenses.

President Russell asked Mr. Taylor from what he knew historically, if this was a sign of good things to come.

Mr. Taylor stated that it absolutely was a good sign.

Mayor Battle stated that Huntsville had the lowest consumer confidence of any major city in the state of Alabama at this time and stated that this lack of consumer confidence, which mainly was related to Federal spending and the sequestration argument, had held down the sales tax collections. He stated that people were not spending, that they were holding their money, and holding it very close.

Mayor Battle stated that they had seen an increase in building permits, which he noted was usually a precursor to recovery. He stated that they were very hopeful but they would have to monitor it. He stated that there was another five months left of data to come in for the current year, and that they were already beginning to work on the following year's budget. He stated that it was going to be very close. He continued that if they took the \$230 million budget and added 3 percent to it, said they were going to grow by 3 percent, that would be approximately \$6 million. He stated that if one looked at the last slide that Mr. Taylor had presented, one

would see that \$6 million was basically spent, if they looked at just the common things that they did, noting that this was not buying fleet. He continued that as they watched repairs and maintenance, this number was going up. He stated that they had been four or five years without buying major fleet. He stated that they had taken the reserves that had been left over at year-end and had been able to buy fleet, noting that they had purchased approximately \$6 million worth of fleet in the prior year at year-end because they knew they had the money there.

Mayor Battle stated that they were still in this situation, mainly from sequestration and mainly from Federal spending, where they did not know exactly what to expect, noting that this made predictability very hard.

President Russell asked if there were any further questions for Mr. Taylor.

There was no response.

President Russell thanked Mr. Taylor for the presentation.

Mr. Taylor stated that he had another matter to bring before the Council.

President Russell asked Mr. Taylor to continue.

Mr. Taylor stated that the City had closed on its refinancing of the debt the Council had held the Special Session concerning the prior week. He stated that \$20 million had been refinanced, at more than 10 per cent savings to the City, that this had all been done successfully.

He stated that PNC Bank had been the winner of the competitive process and that 1.56 percent was the interest rate they had realized on 10 years, noting that this was the lowest rate ever on a 10-year note in the City's history. He stated that it was 3.3 percent on the remaining 10 to 25 years. He stated that it was a very successful sale, noting that this was helping to create some breathing room in the General Fund.

President Russell thanked Mr. Taylor for the presentation.

President Russell stated that the Council would hold a work session on May 30 at 5:30 p.m. in the City Council Chambers. He stated that at this time the agenda included a discussion of the Employee Medical Clinic and a report from Councilman Showers and Councilman Culver from the League of Cities. He stated that if any Council member wanted anything added to the agenda, to let him know in the coming week, hopefully 48 hours prior to the meeting. He reiterated that the Council would be meeting on May 30 at 5:30 p.m. and stated that it would be an open, public meeting.

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

Councilman Showers moved to remove from the table Ordinance No. 13-254, amending Subsection 8.19 of the City of Huntsville Personnel Policies and Procedures Manual, adopted by Ordinance No. 04-315, regarding Longevity Pay benefits, which Ordinance No. 13-254 was introduced at the April 11, 2013, Regular Council Meeting and tabled at the April 25, 2013,

Regular Council Meeting.

Said motion was duly seconded by Councilman Culver.

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

Councilman Showers moved for approval of Ordinance No. 13-254, amending Subsection 8.19 of the City of Huntsville Personnel Policies and Procedures Manual, adopted by Ordinance No. 04-315, regarding Longevity Pay benefits, as follows:

(ORDINANCE NO. 13-254)

Said motion was duly seconded by Councilman Culver.

Councilman Olshefski stated that at this time he was as close to being briefed appropriately on comparisons between the old and the new on this as he had been during the two years he had served on the Council. He stated that he would take the responsibility for not asking the appropriate questions but stated that he was disappointed that there had been a work session where it would have been nice if this piece had been included. He stated that he would have liked to have looked up on a board and have seen what it was and what they were looking at. He stated that on the old plan there had been specific periods set out, such as 5 to 9, 10 to 14, 15 to 19, et cetera, and that on the proposed plan, they were looking at starting in Year 1, at the end of Year 1, by month. He stated that it would have been nice to have known that previous to earlier in the day, that he believed it would have been nice for everybody to have heard all this.

Councilman Olshefski stated that he did not agree with the one year concept, from five years. He stated that he did believe there was a need for longevity pay. He stated that he did not believe he had heard this more eloquently discussed than earlier in the meeting, by Mr. Cox and Captain Jones, noting that they had hit in the heart. He stated that they could talk money, et cetera, but that they had hit the heart. He stated that he was aware that they did not work for money, that if persons worked for money, they would not be a fire fighter; that if persons worked for money, they would not be a City of Huntsville employee; that if they were all about money, they would not be in this business.

Councilman Olshefski stated that he wanted his fire fighter to be there when the moment happened, that he wanted his police officer there when he called, he wanted his HEMSI employee there when he called, and he wanted Public Works there when he called.

Councilman Olshefski stated that at this time, an employee who worked 25 years got \$390 a year. He stated that under the proposed plan, that \$390 went to \$675 on the first run, \$2.2 per month, and then it went to \$1125, and then to \$1575.

Councilman Olshefski stated that he did not necessarily believe in making up the wrongs of the past but that he also was aware they were wrong in where they were at this time on longevity pay. He stated that he had heard the argument that it was about retention and recruitment but that he had also

heard the argument that it was about thanking the employees for their service, a way to thank them for their service so that they would get up every morning and have the right kind of attitude to go out and take care of the citizens.

Councilman Olshefski stated that what he was disappointed in was that up until this moment, there had been no negotiation, that it was either all or nothing. He stated that nothing to the employees would be to stay where they were at this time.

Councilman Olshefski stated that previously they had heard the City Finance Director explain where they were in the fight at this time concerning money. He stated that what he was struggling with was the fact that they were about to try to make a decision on this matter and that he could state at this time that he did not agree with all of it but that it sounded to him like it was an "all or nothing." He stated that he struggled with this, noting that they had thrown out numbers on this, as to how much this year's cost was, and that when he had looked at the number, he had not at first remembered to subtract what they were paying at this time, which he noted was \$284,430. He stated that the number appeared to be a lot of money the first year but when one subtracted out the money being paid at this time, that in the big scheme of things, it was not show-stopper money.

Councilman Olshefski stated that he had failed earlier in the day by not forcing the meeting in front of everyone, that

he had failed because he should have said, "Where is the discussion from the staff? Where are the course of actions from the staff?" He stated that he had now done his homework on this but that he had had to do it piecemeal and that it would have been nice to have done it in a work session so that he could have learned it.

Councilman Olshefski stated, concerning step raises, that the number looked great, \$2 million, but stated that no one had yet advised him as to how many of the employees did not get step raises anymore because they had maxed out. He stated that in the world he had come from, every couple of years, no matter what rank one was, one got a little extra. He stated that this was not COLA, noting that the COLAs were down to nothing in that world also, but that everyone was aware that for every two years of service, one would get a little extra cash. He stated that he understood the economy was terrible but noted that persons still had to pay bills, et cetera, and that the cost-of-living was not going down, that it was only going up. He stated that, however, he was looking at this now as not so much cost-of-living but as thanking the public work force for what they had done and praying that they got up every morning and pulled on their boots and went after it.

Councilman Kling stated that he certainly agreed that they needed to do something on this. He asked how this had gotten through the crack without being addressed. He continued that longevity was certainly part of the compensation package. He

stated that the numbers he had seen showed that the City was behind, that they were way low on this compared to other cities.

Councilman Kling stated that he certainly felt they should take some steps to attempt to deal with this. He stated that he would suggest to the Council that if they were going to take some action on this, the time to do it would be at this time so that whatever they would come up with could be front-loaded into the budget. He stated that it was a lot easier to make tough decisions up front. He stated that it would be difficult to try to add things after a budget had been presented to the Council, noting that it was difficult to find a way to get perhaps \$100,000 worth of adjustments made. He stated that he believed the Council could see that they were going to have a tight budget. He stated that if they put this in, it might be that cost-of-living increases might be reduced by one-half percent, or something like that, from what it might have been.

Councilman Kling stated that they wanted to have a good package because this was what was used to recruit employees. He stated that there were positions in the City where there were numerous individuals that were applying for vacancies. He stated that he certainly agreed with the arguments, noting that there had been disasters, and that there were also other situations day-in and day-out, and they dealt with e-mails and heard from persons who overall gave very positive feedback about what the employees had done for them. He stated that,

No. 1, he believed they needed to look at making the package more compatible with other cities in the area, and then, also, it would get into the "Thank you" issue.

Councilman Kling stated that he would support Councilman Showers' proposal but noted that he did understand there would probably be some tough decisions in the budget. He reiterated that he felt they should make a decision on this at this time so there would be five months or so to work on trying to get everything into the budget. He stated that he believed this would be much better than making an effort in the coming September.

Councilman Culver stated that he would just like to add to what had already been stated. He stated that the longevity pay was not only an expression of appreciation to the City of Huntsville employees but, more importantly, it was the fair and equitable thing to do. He stated that being a retired City of Huntsville employee himself, he could say that nothing irked an employee more than when one was visiting other places and their colleagues, the same persons who risked their lives as police officers, the same people who risked their lives as fire fighters, and the same clerks who did the clerical duties that enhanced the day-to-day operations of City government, said, "Wait a minute. Your municipality doesn't do this for you? This is what we get." He stated that that was a bad feeling, that this really made one feel bad, and that it did go to morale.

Councilman Culver stated he was aware that the City had budget issues and that there were a lot of things they were going to have to address, but stated that, in his opinion, this was something that was as equally important as the other things they were going to address. He stated that when they looked at the first year, the \$654,639.75, that when one backed out the \$284,430 that was already being spent on this, they were only looking at an additional \$370,209.75, according to his numbers.

Councilman Culver stated that the ordinance had his support and that hopefully his colleagues would do likewise.

Councilman Showers stated that this was an item that the Council had contemplated for some time, that they had given the opportunity for this item to be discussed, that they had postponed and postponed, that they had delayed action on this item. He stated that he did understand that they had just gotten a report from Mr. Taylor about the status of the City's financial ability and the way they were moving in this climate. He stated that this was an opportunity to do something that they should have already done years prior, that they needed to take action on this at this time.

Councilman Showers stated that he had been in an institution for 36 years and stated that they had gone through an era where people in that institution were constantly leaving the institution for higher heights. He stated that a group of people had gotten together and devised a program that was called the "DROP Program." He stated that the main focus of

this program was to maintain teachers in the state to stay in systems rather than to be recruited by other adjacent state systems or other types of employment, that it had been designed to assist those persons in the education field to stay longer.

Councilman Showers stated that he wanted to commend the City employees at this time. He continued that this was not just about the Fire Department or the Police Department or Public Works, or about any other department, that it was about all approximately 2400 City employees that would have an opportunity to benefit from the action that might be taken at this time.

Councilman Showers stated that as he had followed the progression of this effort to get to where it was at this time, the employees had been told to relook, to make adjustments, to go back, retool, and that they had done so, that the City employees had done this. He stated that the appearance that this just pertained to the Fire Department or the Police Department was incorrect, that it was all the City employees. He stated that the employees had taken the opportunity to at least acknowledge some of their requests to lessen the impact.

Councilman Showers stated that he was prepared at this time to approve this ordinance. He stated that whether the Council did anything with this item or not, there were going to be adjustments to the financial stability of the City. He stated that he was encouraged that the climate was going to get better but that it was going to be slow.

Councilman Showers commended Mayor Battle and Mr. Taylor on how they had managed the resources of the City. He stated that when he and Councilman Culver had been in Montgomery the prior week, they did not have to stand before the audience and say that they had had to cut services, or they had had to reduce services, or cut employees. He stated that they were tremendously blessed in this, and that they were blessed because of the City employees, not because of what the Council did. He stated that the Council did not make that difference. He stated that the persons that were sitting out in the audience who came in at this time to be a part of this process were what made the City what it was.

Councilman Showers stated that he wanted to acknowledge what each City employee did for the City. He stated that it was a delight at this time to approve this, noting that he was prepared to make tougher decisions otherwise. He stated that he wanted to make sure that whatever action the Council would take on this, which he hoped would be positive, that they would find a way to make it work. He stated that he believed they had always been able to do that, noting that the beauty of Huntsville was that they had always found a way to make it work. He stated that he had always been pleased that Mr. Taylor and Mayor Battle, in this particular cycle, had always been able to find a way to do those things that would be in the best interest of the City employees.

Councilman Showers urged the Council to vote on this

ordinance at this time, that they go ahead and move on it, and that if there were adjustments to be made later, he would welcome the opportunity to discuss any adjustments that needed to be made. He stated that at this time, based on what was on the table, he believed it was a workable opportunity to enhance the City employees, to give them some enthusiasm, the morale to want to stay with the City, to continue to do the fine job that they did for everyone.

President Russell stated that he agreed with many things that had been said concerning this matter, that he agreed with all his respective colleagues on some parts of it, and that certainly Captain Jones had made some good points, as well as Mr. Cox. He stated that, however, as many persons were aware, he would be voting against this ordinance, because he believed that rewarding the employees with additional benefits was absolutely the wrong thing for the City to do at this time, and most likely for the future.

President Russell stated that the City had no problem retaining employees, and that as far as he was aware, they never had. He stated that he was aware of very few employees who had left the City, that if the City was trying to retain employees, they were being retained. He stated that, however, two years previously, they had sponsored a buy-out because they were having a problem with City employees staying forever. He stated that the majority of the Council had voted in favor of that, that they had thought it was in the best interest of the

City to do the buy-out.

President Russell stated that he would point out that no manager had ever asked him to provide any kind of extra benefit to employees so that they could retain their staff or pay a competitive rate. He stated that this went from the Mayor on down the staff. He stated that no manager had ever advised him that they were having trouble retaining good employees or hiring good employees. He stated that it appeared to him, in judging this, that the City was paying fairly and was able to recruit people. He continued that, in fact, at times they had had hundreds of applicants for just a few spots, noting that evidently something they were doing was attractive. He stated that it might not be the pay, that it might just be the environment, or maybe persons just wanted to come and live in Huntsville. He stated that he could not say on that but he knew what he had stated was true.

President Russell stated that Councilman Olshefski was right in that if they did this on an emotional basis, there would not be enough money in the world to pay a policeman, fire fighter, a Public Works person, any person that risked their life for the city, that he did not know how that could ever be valued, just as if he did not know how one would value a soldier's life, what he or she should be paid. He stated that they had to be careful that they did not do this just as an emotional issue, that they needed to look at the facts, look to see how competitive their rates were with their workforce

and that they rewarded employees properly and fairly. He stated that as persons were well aware, costs were rising, and he believed that they would continue to rise. He stated that they would most likely give a COLA and that the Council, as far as he knew, always passed the step raises because they believed that that was the right thing to do. He stated that, however, he believed that adding a benefit at this time was the wrong thing to do.

President Russell stated that he did agree with Councilman Showers that they should vote on this at this time, noting that it appeared that the majority of the Council was in favor of this, and stated that they should vote on it and get it in the budget so Councilman Kling and the Finance Committee would know what they had, so that when they looked at COLAs, they would be able to make a good, accurate decision and advise the Council if this would be possible, and advise employees, also, if this would be possible. He stated that he knew that if he were an employee, he would want both, that there was no doubt about that, that there was no amount of money that he would not want. He stated that he would be careful on this. He asked if anyone knew of persons who had left the City for a better job, to please advise him on this. He stated that he had asked everyone if they were losing people and no one had ever said they were.

President Russell stated that he was going to vote against adding benefits but that he would not vote against step raises

or COLAs, and that he would consider salaries, and that if the City had underpaid employees, he would consider paying them fairly. He stated that they needed to manage their personnel costs and not just add benefits for benefits' sake. He stated that he just did not believe there was an answer on why they were doing this.

Councilman Kling stated he agreed that they might not have people who would leave but asked how many times the Council had voted on recommendations to bring in a new employee at a salary level above what the normal level would be for that position. He stated that this was certainly a tough decision, that there was nothing magical about anything they were doing, that they were just trying to come up with the best they could under the circumstances.

President Russell stated that that was absolutely correct, and that he did not fault Councilman Kling or any member of the Council on this, that everyone had their own opinion and that he was just trying to share his.

Mayor Battle stated that this was a tough issue when one looked at it. He stated that earlier in the day at the press conference, there were a lot of sleepy officers there who had been up all night rounding up the drug dealers from some areas that many persons would not want to go into at 3 or 4 or 5 in the morning. He continued that if one had ever been to a house fire and seen the firemen afterwards, seeing people worn out, they would know that it was a tough, tough issue.

Mayor Battle stated that the issue came down to that they were hired as managers of the City and they had to be the management team of the City and do the management of the funds. He stated that everyone was aware, just by looking at the numbers, that there was approximately \$6.5 million to work with in the following year. He stated that there would be \$1 million going toward retirement; that they were going to do a step raise, so there would be \$2 million going there; and that would be \$3 million. He stated that the operating costs would definitely increase by \$1 million, so that that would be \$4 million. He stated that the retirement fund would cost an additional \$1 million, which they would absorb, and that would be \$5 million. He continued that then there would be only \$1 million left. He stated that then the question would be whether they would do a COLA or longevity pay.

Mayor Battle stated that they just had a finite amount of money they could work with, and that if the Council said at this time they were going to do longevity pay, they would work with that within the confines of what they had, and they would figure out how to make it work.

Mayor Battle stated that he believed the question was what did the employees really want, if they were looking for a COLA, which would most likely be a 1 percent COLA, or were they looking for longevity pay, with some type of percentage COLA. He stated that if they were going to say thank you to the employees for what they did, they needed to give them what they

really wanted. He stated that they had heard from some who said they wanted longevity pay, and that they had talked to some of the employees throughout the Administration, and some said they would like to have a COLA.

Mayor Battle stated that there was a difference of opinion on this, that some would like to have a COLA because a COLA was 1 percent, which would add the 1 percent, and then the following year would be 1 percent. He stated that if one looked at the prior four years, employees had made 4 percent on COLAs, and if one had made the two step raises, one had had a 14 percent raise. He stated that that was pretty good for the prior four years because there had been some tough times. He stated that if an employee was topped out, he had made 4 percent over the prior four years. He stated that that was pretty good, considering where they were. He stated that they had had no pink slips, they had not laid anybody off, that they had purposely made sure that they had been conservative with their numbers because they did not want to lay anybody off. He stated that this was very important to them. He stated that the persons sitting out in the field were persons that they had promised jobs to, that they worked with, noting that they worked with the City on a day-to-day basis and they wanted to make sure that they were taken care of.

Mayor Battle stated that the Council would not have to pass this ordinance at this time, that they would have the opportunity at budget time to determine what to do with the

\$1 million that would be figured into employee pay. He continued that during that time, they would have some time to find out if the employees were really looking for a COLA or if they were looking for longevity pay, and how this would affect them and what it would do for them. He stated that this had been the recommendation they had given to the Council several weeks prior when they had sent them the numbers on longevity pay. He stated that they had suggested that they do it at the same time they did the budget, which he noted they would start talking about in August and it would come into effect October 1.

Councilman Showers stated that there had been times since he had served on the Council that pay had driven the opportunity to do more rather than to lose key employees. He stated that he did want President Russell to know that there had been a time in the past that it was a challenge, knowing that they could have possibly lost some employees in some key areas, and that that was addressed, and that those persons had not left. He stated that everybody had not gotten an increase, but they had certainly taken into account the fact that they had employees that could have gone other places rather than to stay with the City, and that they had made the adjustment.

Councilman Showers stated that he was not saying that to rebut President Russell's statement, noting that President Russell had a right to say whatever he wanted to say, and that he also had a right to say what he needed to say. He

stated that he was not doing or saying anything out of emotion, that he was saying that it was the right thing to do.

Councilman Showers stated that they could talk all night about this, but the point would come that they needed to do what was right. He stated that he knew that the Council could do whatever they wanted to do and they could make it work if they wanted to do it. He stated that this was not for him, that it was for the employees. He stated that the employees were the people he was working for, that he wanted them to have a better opportunity. He stated that he was in an institution that he had retired from and it had been seven years and he had not received any increase, and that it appeared that it was going to be an eighth year that persons in his institution would not get anything, and that he was going to live with that.

Councilman Showers stated that when President Russell was ready to call for the vote, he was ready to vote.

President Russell called for the vote on Ordinance No. 13-254, and the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers

NAYS: Russell

President Russell stated that the ordinance had passed.

President Russell moved for approval of Ordinance No. 13-351, annexing land lying on the east side of Adonis Road and east of Old Big Cove Road, which ordinance was introduced at the May 9, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-351)

Said motion was duly seconded by Councilman Showers.

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

Ms. Bostick stated that this tract of property was located in the Big Cove portion of the community and that it was approximately three-quarters of an acre. She indicated the area on a displayed map and stated that the owners had requested annexation for City schools. She stated that there was one house located on the property.

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

President Russell moved for approval of Ordinance No. 13-352, annexing land lying on the south side of Knotty Walls Road and west of Old Big Cove Road, which ordinance was introduced at the May 9, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-352)

Said motion was duly seconded by Councilman Showers.

Ms. Bostick stated that this tract of property was also located in the Big Cove portion of the community. She indicated Big Cove Road on the displayed map and stated that the portion in purple was what was being requested to be annexed. She stated that there was an existing single-family home located on the property and that the owners had requested annexation for City schools.

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

President Russell moved for approval of Ordinance No. 13-353, annexing land lying on the west side of Williams and Broad Drive and north of Dug Hill Road, which ordinance was introduced at the May 9, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-353)

Said motion was duly seconded by Councilman Showers.

Ms. Bostick stated that this was a 3.25-acre tract of land and that there was an existing single-family home on the property, located in the Big Cove portion of the community, and that the owners had requested annexation for City services.

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

President Russell moved for approval of 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, which ordinance was introduced at the May 9, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-354)

Said motion was duly seconded by Councilman Showers.

Ms. Bostick stated that this ordinance would amend the City Code to establish two Entertainment Districts within the downtown area. She displayed the area on the map and stated

the first area was what they were calling the "Meridian District," noting that this was approximately 10 acres of land located just south of Pratt Avenue, along Meridian Street and Cleveland. She stated that this area did include the required four retail liquor license establishments, as well as the Bud Cramer Park, within that district.

Ms. Bostick stated that the other district was located in the downtown core and was approximately 96 acres and was called the "Quigley District." She stated that this included the courthouse area, as well as down Washington Street to Holmes Avenue to include Below the Radar, and that it went west through Big Spring Park and included the VBC, as well as the Embassy Suites and the Holiday Inn.

Ms. Bostick stated that within these districts, one would be allowed to leave a permitted retail liquor license establishment with an open container and walk within that district to other places that were open to the public. She stated that this would be allowed on Thursday and Friday evenings from 5 p.m. until 10 p.m., and also on an event basis, if someone requested that a portion of the district would be opened.

Ms. Bostick stated that they anticipated that this would be effective as of June 20, which she noted would coincide with the Arts Stroll that would be going on, as well as the Greene Street Market that evening. She stated that they felt very fortunate that they were going to be able to coordinate

this with the Arts Council to actually have arts and entertainment activities throughout the evening so that persons could enjoy the arts and entertainment, as well as walking with their open containers throughout the downtown area.

Ms. Bostick stated that they had a 90-day review period written into the ordinance. She stated that at that time, the Planning Department would come back to the Council and report on how things had been going, if there had been any issues, if they would make any recommendations to modify the boundaries or the hours, depending on how it had been going. She stated that they would evaluate their resources and their ability to manage the districts during that time, and to ensure that they were accommodating all the mix of uses in the area, noting that they had residential as well as business uses, not only in the districts but surrounding the districts.

Councilman Kling stated that, as he understood it, they were looking at this to review it, with the possibility that it might be expanded to additional days, more hours, along that line. He stated that he and Ms. Bostick had been on the trip to Greenville and they had seen how they had done things such as this. He asked if any thought had been given to adding Saturday night into this, noting that it seemed to him that Saturday nights were a lot more crowded than Fridays, and certainly more than Thursdays, noting that, of course, there were the Art Stroll events on Thursdays. He asked if they could make the test period Thursday, Friday, and Saturday.

Mayor Battle stated that one of the things they had looked at was that and that they would probably look at it in the 90-day review, but that first of all they wanted to see what it would take resourcewise. He stated that it was a big district to cover, and that two policemen on bikes might be able to cover it, or it might be that they would need more than two policemen on bikes to cover it, or two policemen on Segways.

Mayor Battle stated that, also, one of the things to consider and one of the reasons they had not included Saturday was because a lot of the police resources were used up on Saturdays, with all the events, the races, the runs, bikes, et cetera. He stated that they were using up most of the resources on Saturday at this time. He stated that after the 90-day period when they could see what they needed was when he believed they could make a good decision concerning Saturday night. He stated that he fully expected after 90 days to be looking at Saturday night but that he felt they should wait on this until they could look into it resourcewise, noting that was the reason they had started out with it very limited.

Mayor Battle stated that this was what they would call a "soft opening" in the old days in the restaurant business. He stated that it was a soft opening because they wanted to make sure they took care of their people and their customers. He stated that one of the biggest things was that it was very easy to get a reputation if something did happen. He stated that Birmingham had an Entertainment District which was in an area

that when he had called his friends, they had said, "Be very careful down there." He stated that Huntsville did not want that kind of reputation to happen with theirs, which was why they were starting off slowly, on Thursday and Friday nights, 5 p.m. to 10 p.m.

Mayor Battle stated that there were also two different clientele in the downtown area, that there was a 5 p.m. to 10 p.m., which were persons eating dinner and going home and doing things; and they also had a 10 p.m. to 2 a.m. clientele in the downtown area, noting that this was a very different clientele. He stated that they were trying to watch this. He stated that this was a crowd that they would have to learn how to police and determine what the value would be from 10 p.m. to 2 a.m. of taking a drink from one place to another. He stated that most of the entertainment would happen between the 5 p.m. to 10 p.m. period. He stated that if the outside entertainment was happening at that time, that would be when someone would go out with a beverage and watch the entertainment and then go back in. He stated that they had some things to learn concerning this.

Mayor Battle stated that they also had another thing, noting that they had had the noise ordinance meeting the prior Sunday. He questioned what if they were to have two groups outside at the same time and they were next to a restaurant that had outdoor dining and somebody would be playing Sister Hazel and other persons were looking for Simon &

Garfunkle. He asked how this would fit in. He continued that there were still some questions to be answered concerning this and that that was why they would like to have a 90-day period to figure this out.

Councilman Kling stated that he understood this. He stated that Mayor Battle was on the same trip he had mentioned earlier and stated that he believed they were all heading in the same direction. He stated that he felt they had some good things going on this. He continued that they were working on the kinks in the noise ordinance and they had East Clinton. He stated that downtown was really coming to life, that there were some good things.

Councilman Kling asked if rather than 90 days, this period could be 60 days, stating that he was kind of gung ho on this thing and he would like to know if this could be accelerated. He asked if there was any way that they could speed it up to be a 60-day review period.

Ms. Bostick stated that they were working with the 90 days because it was on cycle with other events, noting that they were coordinating with the Arts Council and the Arts Stroll, so that they were trying to keep with the scheduled arts and entertainment activities, as well as the open container. She stated that this was the reasoning behind the 90 days, to kind of coincide these together. She stated that certainly there was nothing that said that it could not be 60 days but stated that they would prefer the full 90-day period.

Councilman Kling stated that the Council could pass this ordinance and it would still give the Mayor and his staff the option, if they wanted to, to say, "This is where we are at. We are ready to bring it back."

Mayor Battle stated that they fully planned to have stakeholder meetings. He continued that this would take 60 days of experience and then it would take 30 days to have stakeholder meetings, to meet with everyone who would be impacted by this, everybody from the downtown merchants to the Young Professionals to members of the restaurant community to residential clientele in the area. He stated that this would take a while and that that was why he was saying 90 days to come back. He stated that the first 60 days would be where they would really get their test from and the other 30 days would be test time but also time to get with the stakeholders.

Councilman Kling thanked the Administration for what they were doing on this matter, stating that he believed it would be a great shot in the arm for the downtown area and he felt it would be something that would improve the city as a whole.

President Russell thanked Councilman Kling for his comments, noting that they were good points. He stated that in the 90 days, they probably needed to make sure they listened to persons that were not in their age range and age group, noting that he doubted many of them were out after 11 p.m., and certainly not until 2 a.m. He stated that they needed to consider everybody's feelings on this matter.

Councilman Showers asked Ms. Bostick if Springhill and the Holiday Inn were included in the boundary of the proposed district.

Ms. Bostick stated that the Holiday Inn was within the district but Springhill Suites was not, that it stopped basically at the railroad track and the creek at this time.

Mayor Battle stated that Embassy Suites was included in the district.

Councilman Showers asked why they had not included the Springhill site.

Ms. Bostick stated that there was a restriction by State law that they could not have a district that was more than one-half mile by one-half mile, or 160 acres, and that if they were to go that far, they would begin to push that boundary on the one-half mile by one-half mile. She stated that they could probably fit it within the 160 acres but that it would be difficult. She stated that the site was really not necessarily contiguous in a lot of ways with the other activity that was ongoing, and that they had really wanted to confine it as much as they could for their resources initially. She stated that this was not to say that after 90 days, if it seemed appropriate, they could not add it into the district, as well.

Councilman Showers stated that he would certainly like for that to be considered at the end of the time period. He stated that, as most of the Council members were aware, as well as the Mayor, that on that site was a future proposal for another

property. He stated that he hoped that after the 90 days, they could squeeze in that site.

Councilman Olshefski stated that he was concerned about the sample size, noting that he was concerned that they were stopping at 10 p.m. and would then be looking at it in 90 days, when the crowd that they were the most worried about was from 10 p.m. to 1 a.m. He stated that they would not be looking at 10 p.m. to 1 a.m. He stated that when they were going to talk a sample size, an assessment of something, he would question what they were assessing from 10 p.m. to 1 a.m. He stated that he had been briefed in the prior three weeks about crowds that were down in the city at this time and that 10 p.m. to 1 a.m. was pretty significant on a Saturday.

Councilman Olshefski stated he was concerned that they were going to assess something for a two-day period and might say, "We are good to go, and two police officers on bikes are all we need," and they had never looked at 10 p.m. to 1 a.m. on Thursday, Friday, or Saturday. He stated that he was aware they had done all their homework and they had all the staff to do the assessments but he was just not certain they had accessed a three-hour block that he believed they were most worried about on any day.

President Russell stated that he agreed with that, noting that he believed they would be constantly assessing this matter as they went forward and would be changing it quite a bit. He stated that he could see Saturdays coming next and see the

hours extended, and that if all went well, he believed they would keep changing it, but that he did not believe they would ever get it to "One size fits all" and be perfect. He stated that Councilman Olshefski's points were very valid.

Councilman Olshefski stated that they had heard from the public earlier in the meeting about the level of noise and asked if when the ticket had been given out, it had been given at 9 o'clock or 10 o'clock, noting that he would bet it had not. He stated that he was aware that they had done only one in the last several years but noted that they did give a ticket out at that time of night. He stated that there were some gentlemen who had spoken earlier who had briefed about that crowd that night and that they were not assessing it as a part of this 90-day plan.

Mayor Battle stated that he would make a pledge to Councilman Olshefski that he would take a nap one afternoon and he would meet him and they would try the 11 o'clock and 12 o'clock but that after 12 o'clock he would be in bed.

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

There was no response.

President Russell called for the vote on Ordinance No. 13-354, and it was unanimously adopted.

President Russell stated that there would be a 10-minute recess.

(Recess.)

President Russell reconvened the meeting.

President Russell stated that the next item on the agenda, under Unfinished Business Items for Action, was 13.f.

President Russell moved for approval of Ordinance No. 13-355, amending the Code of Ordinances of the City of Huntsville regarding Liquor and Lodging Tax, which ordinance was introduced at the May 9, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-355)

Said motion was duly seconded by Councilman Showers.

President Russell asked Mayor Battle if he would like to comment on this ordinance.

Mayor Battle stated that this would give them some ability to fund projects that needed an incentive to be brought to the city. He stated that this was first asked for by the Hotel/Motel Association. He stated that this would give them a regular amount that could be used, year-in and year-out, by the CVB, the Von Braun Center, the Sports Commission, and other groups in the city to actually go out and bring groups back to the city, that it could provide for night stays in hotels and for tourism into the area.

President Russell asked if there was any further discussion on the above ordinance.

There was no response.

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

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

President Russell read and introduced Ordinance No. 13-395, annexing land lying east of U.S. Highway 431 South and on the south side of Old Highway 431.

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

President Russell moved for approval of a request for authorization to fill the vacant Police Records Clerk positions to authorized strength, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell moved for approval of a request for authorization to fill the vacant Police Officer positions to authorized strength, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell moved for approval of a request for authorization to advertise and fill the position of two (2) Part-Time Custodian Shift Supervisors and to fill at higher than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Lease between the City of Huntsville and the International Services Council of Alabama, Inc., as follows:

(RESOLUTION NO. 13-396)

President Russell moved for approval of the foregoing

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Marshall County EMA for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-397)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Cherokee County Alabama Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-398)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Blount County Alabama Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-399)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Limestone County Alabama Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-400)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Cullman County Alabama Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-401)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Lawrence County Alabama Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-402)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the

Jackson County Alabama Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-403)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the City of Fort Payne for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-404)

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

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

(RESOLUTION NO. 13-405)

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

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

(ORDINANCE NO. 13-406)

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

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

(ORDINANCE NO. 13-407)

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

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

(RESOLUTION NO. 13-408)

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

President Russell moved for approval of a request for authorization to advertise and fill one (1) Landscape Maintenance Supervisor and to fill at higher than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Geo Solutions, L.L.C., for Construction Materials Testing Services for Research Park Stormwater Improvements, Project No. 65-13-DR01, as follows:

(RESOLUTION NO. 13-409)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Renewal Land Lease Agreement with Sublett Farms, Inc., for the lease of property in North Huntsville Industrial Park, as follows:

(RESOLUTION NO. 13-410)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Renewal Land Lease Agreement with Alan Wade Murphy and Kathleen Murphy for the Lease of Farm Land in the vicinity of the Western Area Treatment Plant, as follows:

(RESOLUTION NO. 13-411)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Renewal Land Lease Agreement with Atkinson Farms for the Lease of Farm Land in Cummings Research Park, as follows:

(RESOLUTION NO. 13-412)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Renewal Land Lease Agreement with Vandiver Farms for the Lease of Farm Land located on the east side of Old Railroad Bed Road at Magnolia Springs Subdivision, as follows:

(RESOLUTION NO. 13-413)

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the Worker's Compensation Claim of Michael Danley, Claim Number FY11-20, as follows:

(RESOLUTION NO. 13-414)

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

President Russell read and introduced a resolution authorizing Modification No. 1 to the Agreement between the City of Huntsville, Alabama, and Kovatch Mobile Equipment Corporation, t/a KME, dated March 14, 2013, as adopted and approved by the City Council of the City of Huntsville by Resolution No. 13-211, as follows:

(RESOLUTION NO. 13-415)

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

President Russell moved for approval of a request for authorization to advertise and fill the position of Firefighter, Grade 13, for positions funded and all vacancies, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced a resolution requesting that the Madison County Mental Retardation Board change its name to the Madison County 310 Board or a similar culturally sensitive name, as follows:

(RESOLUTION NO. 13-416)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Department of the Army Right-of-Entry for Survey and Exploration for offsite ground water monitoring, as follows:

(RESOLUTION NO. 13-417)

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

President Russell read and introduced a resolution

authorizing an Agreement between the City of Huntsville and Academy, Ltd., dba Academy Sports + Outdoors, as follows:

(RESOLUTION NO. 13-418)

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

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

Mr. Patterson stated that this was an agreement with Academy Sports + Outdoors to sponsor the fishing rodeo to be held June 1 at Brahan Spring Park. He stated that they would be providing some rods and also some other fishing supplies to assist with this event.

President Russell stated that this was a great event.

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

President Russell read and introduced a resolution authorizing the Mayor to execute a lot purchase and sale agreement between the City of Huntsville and Acanthus Industrial Properties, LLC, as follows:

(RESOLUTION NO. 13-419)

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

President Russell recognized Mr. Joffrion.

Mr. Joffrion stated that there were approximately eight

lots that had been purchased in connection with the Church Street right-of-way realignment project. He stated that they were not needed by the City and that there was an adjoining industry, owned by Acanthus Industrial Properties, and that they would like to expand their operation within the corporate limits of the city at that location. He stated that they were trying to consolidate ownership of the properties around their industry.

Mayor Battle stated that this was a conditional sales contract because it did require approval of ALDOT, the Alabama Department of Transportation. He stated that ALDOT would not approve the sale of the lots until the project was completed. He stated that they were wanting to make absolutely sure that there was not any additional need for right-of-way. He stated that the properties would be appraised by ALDOT, and that once they obtained the appraisals and the approval, the City would sell the lots to Athancus Industrial Properties.

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

President Russell read and introduced a resolution authorizing the mayor to execute an agreement between the City of Huntsville and the Huntsville City Board of Education for the purchase of East Clinton Elementary School, as follows:

(RESOLUTION NO. 13-420)

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

Councilman Showers.

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

Mr. Joffrion stated that this was the first of two purchase and sale agreements regarding the East Clinton School. He stated that this one was between the City and the Huntsville City School Board. He stated that this had been approved by the School Board at its meeting on the previous Thursday, for the sale of East Clinton Elementary School to the City for \$1.5 million.

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

President Russell read and introduced a resolution authorizing the Mayor to execute a conditional real estate sale agreement between the City of Huntsville and Providence Community School, Incorporated, d/b/a Providence Classical School, for the sale of East Clinton Elementary School, as follows:

(RESOLUTION NO. 13-421)

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

President Russell recognized Mr. Joffrion.

Mr. Joffrion stated that this was the second of the purchase and sale agreements regarding the East Clinton Elementary School. He stated that once the City had obtained

title to the property from the School Board, they were contracting to sell it to Providence Classical School. He stated that this was a conditional sales contract. He stated that this was a private school and that the zoning ordinance did not allow private schools within that particular zoning district, so Providence School would have to go before the Board of Adjustment and request a variance for use as a private school, and also a variance for some parking issues on the property.

Mr. Joffrion stated that the purchase price would be \$1.2 million, primarily because the City would be reserving a recreational easement for all of the property east of the sidewalk leading into the school building and curving around the property to a point approximately 10 feet south of the walking track, where the old playground equipment had been on that property. He stated that the remaining frontage, the green space that was in front of the school, would be preserved in perpetuity as green space, that it would not be part of the recreational easement but it would be preserved as green space so that no structures would be constructed within that area.

Councilman Kling congratulated Mayor Battle on this, stating that he was aware that this had been an issue for a while and that he believed they had found a great solution. He stated that, as with the noise ordinance, it was good when things got worked out.

President Russell called for the vote on Resolution

No. 13-421, and it was unanimously adopted.

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

President Russell read and introduced an ordinance authorizing the vacation of a portion of a 10-foot Utility and Drainage Easement at the entrance to Addison Park (Andover Woods: Research Park Blvd.), as follows:

(ORDINANCE NO. 13-422)

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

Mr. Joffrion submitted the following deeds for approval:

(DEEDS)

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

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

Ms. Jackie Reed again appeared before the Council, stating that she wanted to talk about Washington Street, where they had put \$3.9 million in a sidewalk. She stated that it looked like they were taking all the parking spaces. She stated that the traffic was going to be so bad with the two narrow streets that persons would have a hard time getting in the restaurants and bars. She stated that they had moved the sidewalks over into the streets so that they could party-hardy downtown.

Ms. Reed stated that she wanted to again comment on the drinking in the streets. She stated that she had never had a problem with the businesses having persons sitting out in front if they gave special exceptions to anything that was coming as far as City-funded things. She stated that she was still saying that she did not agree with the walking and drinking. She stated that there used to be live entertainment at the Carriage Inn and the American Legion. She stated that she did not agree with calling "entertainment" walking with a drink in the downtown area. She suggested that they quit going to North Carolina, Mobile, and Montgomery, trying to be just like them. She asked why they did not get together with the old professionals and the young professionals and think up a new identity for Huntsville. She stated that they should find some places that wanted to put in live entertainment, decent live entertainment. She suggested that the City form its own identity, that they come up with something new for the city and stop wasting money going to these other cities and attempting to be just like them.

Ms. Margaret Watson, 1122 East Clinton Avenue, appeared before the Council, expressing appreciation to the City Council and Mayor Battle for everything they had done to preserve East Clinton School and the neighborhood. She stated that this was really appreciated.

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

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PRESIDENT OF THE CITY COUNCIL

ATTEST:

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CITY CLERK-TREASURER