

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JUNE 13, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, June 13, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:1

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

President Russell called the meeting to order.

Minister Derek Lane led the invocation; President Russell led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on May 23, 2013, were approved as submitted.

Councilman Kling read and introduced a resolution recognizing Eddie Sherrod for his outstanding leadership and public service to the community, as follows:

(RESOLUTION NO. 13-423)

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

Councilman Kling stated that Coach Sherrod had recently

been honored by receiving the Arthur D. Shore Superior Leadership award, which honored him for his community outreach, dedication, and overall effectiveness.

Councilman Kling stated that he had known Coach Sherrod for quite some time and he had been a great friend and a great mentor to him, bringing to his attention many issues in the community, giving him input and direction, which he stated he believed had assisted him in looking at the city from a greater perspective and being more responsive, noting that he certainly appreciated this.

Councilman Kling read from the resolution, noting Coach Sherrod's outstanding contributions to the community.

Councilman Kling asked Councilman Culver to come forward to present the resolution to Coach Sherrod. He stated that Councilman Showers was not able to be in attendance at the meeting because of illness but that he certainly wanted to express his support of this resolution.

Councilman Kling presented the resolution to Coach Sherrod, expressing appreciation for his outstanding service to the community.

Councilman Culver stated that he certainly wanted to join in this presentation, congratulating Coach Sherrod.

Coach Sherrod expressed appreciation for the recognition.

President Russell stated that items 15.ee and 15.gg had been deleted from the agenda.

President Russell stated that Councilman Showers had been

hospitalized recently but at this time he was resting at home. He stated that if any of Councilman Showers' constituents needed any help, they could call the Council office and Ms. Pearlie Stamper or any of the Council members would be happy to assist them.

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 for suspension of licensure for Charlie's Sheet Metal, Inc., which hearing was set at the May 9, 2013, Regular Council Meeting, and postponed at the May 23, 2013, Regular Council Meeting until this meeting.

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

Mr. Taylor reviewed the process in matters such as this. He stated that if the City believed a tax was due from a taxpayer, a preliminary bill would be issued to the taxpayer, and the taxpayer would have 30 days to appeal that decision. He continued that the City would then review the appeal and respond to it. He stated that if there were no changes as the result of an appeal or if an appeal were not filed, the City would issue a final bill, which he noted the taxpayer also had a right to appeal, for a period of 30 days. He stated that if there was such an appeal, the matter would be heard by an independent hearing officer, who would make a binding decision upon the City.

Mr. Taylor stated that depending upon the outcome of this and any adjustment that might be made, or if there were no appeal, the taxpayer's liability to the City would be established. He continued that then the City would use the various processes available to collect this. He stated that if they were not successful in collecting this over some period of time and were not able to negotiate some sort of installment or deferred payment arrangement with the taxpayer, then they would take the action that was before the Council at this time, requesting the suspension of licensure.

Mr. Taylor stated that in many cases, they had made arrangements with the taxpayer to pay the tax over a period of time but would still ask for the licensure suspension as a means of enforcing payment because of the circumstances of a particular case.

Mr. Taylor stated that in the matter that was before the Council at this time, they did have arrangements with the taxpayer and that payments were being made and they were asking for this suspension in order to enforce the agreement. He stated that they would be prohibited from taking any action on the suspension as long as the terms of the agreement were honored by the taxpayer.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before

the Council, inquiring as to whether the taxes that were being assessed were taxes that citizens had already paid and therefore these taxes were owed. He asked if this were the case, why there was not some type of lien in order to recoup these taxes. He stated that he felt there should be more stern action for persons who did not want to pay this tax, because if he understood correctly, the citizens had paid the taxes and the businesses were the holders of the taxes, and that they were to be turned over to the City after a certain period of time. He reiterated that if the taxes were not turned over to the City, he felt there should be a more stern way of dealing with the matter.

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.

President Russell read and introduced a resolution suspending licensure for Charlie's Sheet Metal, Inc., as follows:

(RESOLUTION NO. 13-424)

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

President Russell asked if Mr. Taylor would briefly answer the question that Mr. Timberlake had posed.

Mr. Taylor stated that there was only one tax the City collected, being sales tax, that was actually collected from purchasers and held by the taxpayer and then remitted to the City. He stated that all the other taxes were taxes on the businesses themselves. He stated that when any tax was owed, regardless of its origin, the City would seek to collect it through these means, through an agreement with the taxpayer, which he noted they had in place in this particular case. He stated that they would not go the route of enforcing a lien or pursuing other measures that would be available to them, noting that this would be more difficult and would not be the most efficient use of resources. He reiterated that in this particular case, there was an agreement with the taxpayer, so that they would not go the lien route.

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

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties.

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

Mr. Benion stated that the paperwork before the Council identified 23 properties that were in violation of the City's grass and weed ordinance. He stated that the properties were

identified on Attachment A by the owner and location. He stated that the owners had received written notification, by regular mail, that they were in violation of the ordinance and had been given 14 days to correct the violation. He stated that all owners had failed to respond and that Community Development had issued work orders to cut the properties, at a total cost of \$5,406.12, and an average cost of \$235.06. He stated that Attachment A also identified the date and cost for cutting the properties. He stated that the owners had received a written request, by regular mail, for payment and had failed to respond.

Mr. Benion requested that assessments be placed on these properties in order to collect the costs. He stated that the owners had been notified of this proposed action and might wish to speak before the Council.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties, as follows:

(RESOLUTION NO. 13-425)

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

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

President Russell read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying on the east side of U.S. Highway 231/431 North and on the north side of Countess Road as Residence 2 District and Highway Business C-4 District, at the July 25, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-426)

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

President Russell read and introduced Ordinance No. 13-427, zoning newly annexed property lying on the east side of U.S. Highway 231/431 North and on the north side of Countess Road as Residence 2 District and Highway Business C-4 District.

President Russell stated that the next item on the agenda was Communications from the Public, noting that anyone who wished to address the Council could do so and would have three minutes to speak.

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared before the Council, stating that he was very concerned about

two issues, one being the appointment and reappointment of persons to boards in the City for an inordinate amount of years, in excess of 10 years. He stated that each of the Council members had to be elected every four years and that he felt that on these boards two terms should be enough before they found some other persons who could serve the City. He stated that to continue to reappoint persons was an affront to the citizens because this was saying there was no one else who could do the job as well as these board members.

Mr. Timberlake stated that one of the reappointments on the agenda was to Huntsville Utilities and stated that Dr. Wall had been on that board for an excessive amount of time, as well as had Mr. Moore. He stated that he felt these gentlemen should be allowed to enjoy life and serve in some other capacity.

Mr. Timberlake stated that he had gone to a Utilities Board meeting recently and had had to wait an inordinate amount of time before being allowed in the room of this public meeting. He stated that the excuse that he was given was because of the security system. He stated he felt that they should assure that the public could attend such meetings and observe persons carrying on public business. He stated that Mr. Pippen had stated that he was not going to change the system and stated that he was shocked by this because in the past Mr. Pippen had always been an individual who was open and helpful.

Mr. Timberlake stated that there had been a problem with the Huntsville Utilities board concerning veterans' rights. He stated that they had been unaware of their obligation concerning this or had refused to accept the Contract Compliance Law, which gave veterans the opportunity to be employed from a preference point of view.

Mr. Timberlake stated that he wanted to again bring before the Council the matter concerning the computers in the hallway, asking that citizens be given internet access for City government business.

Ms. Dedra Muhammad, 132 Suffolk Drive, Madison, appeared before the Council, stating that she was with the Rising South Literacy School. She continued that the school was concerned with promoting cultural and academic literacy and assisting any person who would request assistance. She stated that they also had an emphasis in the fine arts. She stated that their spring-to-summer project was called "This Land is Your Land." She stated that their students were members of the community who attended free of charge.

Ms. Muhammad stated that the students were undertaking three topics: Date rape, the importance of agriculture, and predatory lending. She continued that they had held three seminars addressing these topics. She stated that in studying this, she had discovered that predatory lending and foreclosures had affected more persons than she had previously realized, including some of the students at the school. She

continued that she had also learned that elderly persons were sometimes afraid to open their mail when they were faced with predatory lenders and, also, the threat of possibly losing their homes. She stated that these persons did not necessarily open their mail or attend meetings that they should attend and that this was a growing problem.

Ms. Muhammad stated that the Rising South Literacy School planned to continue to provide help and services for individuals who were suffering as a result of these matters.

Councilman Kling stated that he had received complaints from citizens concerning predatory lending. He asked if there was anything the City could do locally, as far as City government, concerning this matter.

Mr. Joffrion stated that this was an issue the State legislature would have to address, that the City could not address it by ordinance.

Ms. Muhammad stated that she had stopped by a check-cashing business earlier in the day and had inquired about their practices and had found out that the rate was close to 40 percent. She stated that she certainly felt this was a local issue.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she would like to thank Mayor Battle and Ms. Joy McKee for the crape myrtle sitting out in front of City Hall with her name on it, noting that she appreciated it and certainly hoped it lived.

Ms. Reed stated that she was concerned about the John Hunt property. She stated that she had a 13-year-old grandson who would really like to see a theme park on this property, including go carts, bump cars, water rides, et cetera. She stated that some persons were wanting to see more retail and hotels on this property but that this was not what was needed for this area. She stated that she had advised her grandson to contact Mayor Battle concerning this matter.

Ms. Reed stated that there were 15,000 to 18,000 furloughs going on in the city and it appeared that no one was taking this seriously. She stated that it was serious business and that it was going to affect the City.

Ms. Reed stated that she was still concerned with the construction on Old Madison Pike, noting that she had been advised for several years that this road was going to be completed.

Ms. Reed stated that she was also concerned about property on Holmes Avenue, noting that there was a noise ordinance for downtown but that persons living in the area could not sleep, and yet now they were thinking about giving up more City property to build more condos and, also, to build a parking garage. She stated that the City was broke. She continued that the developers had money and that if they wanted the property and wanted a parking garage, they should lay some money on the table, that the taxpayers were tired of 30-year debts for parking garages.

President Russell stated that the next item on the agenda was Huntsville Utilities Items. He stated that Councilman Olshefski had notified him that he would recuse himself from these issues and abstain on all votes concerning Huntsville Utilities.

Councilman Kling read and introduced a resolution authorizing the approval to purchase End of Line Voltage Monitoring equipment (PR #10118151) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-428)

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

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

AYES: Culver, Kling, Russell

ABSTAIN: Olshefski

ABSENT: Showers

Councilman Kling read and introduced a resolution authorizing the approval to replace 20,000' of cast iron pipe in East Huntsville (Project #M2G-EASTHSV) (Utilities: Gas), as follows:

(RESOLUTION NO. 13-429)

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

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

AYES: Culver, Kling, Russell

ABSTAIN: Olshefski

ABSENT: Showers

Councilman Kling read and introduced a resolution authorizing the Mayor to execute an agreement with TVA, amending the General Power Contract to allow Huntsville's participation in TVA's Light-Duty Plug-In Electric Vehicle Applications and Charging Infrastructure Program (Utilities: Electric), as follows:

(RESOLUTION NO. 13-430)

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

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

AYES: Culver, Kling, Russell

ABSTAIN: Olshefski

ABSENT: Showers

Councilman Kling read and introduced a resolution authorizing the Mayor to execute an agreement with TVA, amending the General Power Contract to allow Huntsville's participation in TVA's Medium-Duty Plug-In Electric Vehicle Applications and Charging Infrastructure Program (Utilities: Electric), as follows:

(RESOLUTION NO. 13-431)

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

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

AYES: Culver, Kling, Russell

ABSTAIN: Olshefski

ABSENT: Showers

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

President Russell nominated Jim Daniel for reappointment to the Huntsville Tennis Center Board of Control, for a term to expire November 28, 2015.

President Russell stated that Councilman Showers nominated Thomas Hancock for reappointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2016.

President Russell stated that Councilman Showers nominated Jack D. Conway for reappointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2016.

President Russell stated that Councilman Showers nominated Carla McAlpine-Franklin for appointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2015.

Councilman Kling nominated Jimmy Wall, Jr., for reappointment to the Huntsville Natural Gas Utility Board, for a term to expire July 1, 2016.

Councilman Kling nominated Jimmy Wall, Jr., for reappointment to the Huntsville Water Utility Board, for a term to expire July 1, 2016.

Councilman Kling nominated George Moore for reappointment to the Huntsville Electric Utility Board, for a term to expire July 1, 2016.

Councilman Kling stated that since an issue had been raised concerning reappointing persons to boards, he would like to comment on this matter. He stated that he had gone to Dr. Wall and Mr. Moore and asked if they would continue to serve. He stated that although he tried to appoint new members to certain boards, there were some boards in the City that needed the expertise of the persons serving. He continued that the Utilities Board oversaw a budget that was approximately three times the City budget. He stated that there could not be a price put on the expertise of the persons serving on this board, as well as certain other boards in the City. He stated that these persons did the City a favor by serving on these boards, that they made the boards function.

President Russell asked if there were any other board 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. 13-432)

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

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

Mayor Battle stated that later in the evening he and President Russell would be going out in the downtown area with Mr. Colin Brooks in order to get an education on what was happening in this area. He stated that they believed if they were going to be passing ordinances concerning this area, they needed to see the downtown area after 9 p.m. He stated that they would invite the other Council members but noted they would be breaking the open meeting law. He continued that if one Councilperson would like to join them, they would certainly be glad to have him.

Mayor Battle stated that on the following Saturday, there would be the City golf tournament for City employees. He stated that he and Mr. Reynolds would again be challenging the retired Super Seniors of the Fire Department and the Police Department who had beaten them three years in a row.

Mayor Battle stated that Healthy Huntsville would be meeting in the park on the upcoming Saturday and encouraged

everyone to attend. He stated that there would be yoga commencing at 8:30 a.m.

Mayor Battle appointed Jan Dorning to the Alabama Constitution Village/Historic Huntsville Depot Board, for a three-year term to expire June 26, 2016.

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

Councilman Olshefski stated that he would go with Mayor Battle into the downtown area on a Friday or Saturday evening but that he really did not feel there would be much going on on Thursday evening.

Councilman Kling stated that one of the things that he really liked about the City was the fact that so much emphasis was put on recognizing veterans. He stated that on Memorial Day he had been privileged to attend the ceremony at Maple Hill Cemetery and had also enjoyed barbecue at American Legion Post 237. He stated that this was an important holiday and he was glad it was so well recognized.

Councilman Kling stated he had recently seen an article in the newspaper where it appeared that City Government was being criticized because they were putting so much money into Public Works services. He stated he was proud of the fact that the City budgets had so much emphasis on these services. He stated that in many cities the tourist areas were nice but many of the neighborhoods were lacking. He stated that the City had done a lot of road resurfacing and they were getting out in the

neighborhoods and doing things that benefitted the citizens. He stated that he hoped they would continue to put a strong emphasis on this in the future.

President Russell recognized boy scouts in the audience and welcomed them to the meeting. He stated that if the Council members could be of any assistance in explaining the Council meeting to them, to let them know and they would be happy to do so.

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

President Russell moved for approval of Ordinance No. 13-395, annexing land lying east of U.S. Highway 431 South and on the south side of Old Highway 431, which ordinance was introduced at the May 23, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-395)

Said motion was duly seconded by Councilman Kling.

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

Ms. Bostick stated that she had had some technical difficulties so she would not be able to display a map of the area. She stated that the property was located in the Hampton Cove community, just east of the Hampton Cove Fire Station, that it was 6.75 acres and was the site for a proposed church.

President Russell called for the vote on the above

ordinance, and it was unanimously adopted by the Council members present.

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

President Russell read and introduced Ordinance No. 13-433, amending Section 15-131 and Section 15-133 of the Code of Ordinances of the City of Huntsville, in re Lodging Tax, to correct a rate error.

President Russell read and introduced Ordinance No. 13-434, amending Section 18-36 of the Code of Ordinances of the City of Huntsville.

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a professional services contract with Stanard & Associates, as follows:

(RESOLUTION NO. 13-435)

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

President Russell read and introduced a resolution to award Harris Home for Children, Inc., with CDBG funds for labor, supplies, and materials to renovate living spaces for their Basic/Crisis Program, serving 12-20 year-old girls and

boys in foster care, as follows:

(RESOLUTION NO. 13-436)

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

President Russell read and introduced a resolution to award UHPGC, Inc., with CDBG funds for the operation of the Quality of Life Summer Program, an eight (8) week complementary, non-competitive education training program for fifty (50) low-income elementary, middle, and high school students, as follows:

(RESOLUTION NO. 13-437)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Subordination Agreement between the City of Huntsville and Bank of America NA in connection with HOME DAP Funds provided for the purchase of 2902 Battle Drive, Huntsville, AL 35816, as follows:

(RESOLUTION NO. 13-438)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a contract with Family

Services Inc., acting as a Community Housing Development Organization (CHDO) for new construction of one house in a Community Development target neighborhood, as follows:

(RESOLUTION NO. 13-439)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a contract with Family Services Inc., for new construction or rehab of existing housing in Community Development target neighborhoods, as follows:

(RESOLUTION NO. 13-440)

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

President Russell moved for approval of a request for authorization to advertise to the public and fill the position of one (1) regular full-time Recreation Superintendent, Grade 18, at a higher than minimum salary if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved by the Council members present.

President Russell moved for approval of a request for authorization to advertise to the public and fill the position of one (1) regular full-time Soccer Activities Supervisor, Grade 15, at a higher than minimum salary if necessary, which

motion was duly seconded by Councilman Kling and was unanimously approved by the Council members present.

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. 13-441)

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

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

(ORDINANCE NO. 13-442)

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

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

(RESOLUTION NO. 13-443)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder meeting specifications as outlined in the attached

Summary of Bid for Acceptance, as follows:

(RESOLUTION NO. 13-444)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Vernon Lee, as a part-time Fire Supply Clerk for Huntsville Fire and Rescue, as outlined in the City's Personnel Policies and Procedures Manual, as follows:

(RESOLUTION NO. 13-445)

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

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

(RESOLUTION NO. 13-446)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Renewal Land Lease

Agreement with Sam J. Darwin for the lease of property from the City, as follows:

(RESOLUTION NO. 13-447)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc., for Martin Road on Redstone Arsenal, Base Bid and Option No. 1, Option No. 2, and Option No. 3, Project No. 65-10-RD09, as follows:

(RESOLUTION NO. 13-448)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc., for Periodic Bid for Various Construction Projects-2013, Project No. 65-13-SP31, as follows:

(RESOLUTION NO. 13-449)

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

President Russell read and introduced a resolution authorizing the Mayor to modify the agreement with Johnson &

Associates Consulting Engineers, L.L.C., for Engineering Design Services for Old Highway 20 Widening Improvements Project from Segers Road to County Line Road, Project No. 65-13-RD03, by Modification No. 1, as follows:

(RESOLUTION NO. 13-450)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Christopher Professional Enterprises, Inc., for Research Park Stormwater Improvements, Project No. 65-13-DR01, by Change Order No. 1, as follows:

(RESOLUTION NO. 13-451)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a License Agreement with Dean Moore for the Lease of Farm Land located in the vicinity of Pulaski Pike and Liberty Hill Road, as follows:

(RESOLUTION NO. 13-452)

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

President Russell read and introduced a resolution

authorizing the Mayor to enter into a Memorandum of Agreement among U.S. Garrison-Redstone Arsenal, Alabama, The Alabama State Historic Preservation Officer, The Advisory Council for Historic Preservation, The City of Huntsville, and L. W. Redstone Company, L.L.C., regarding Construction of the Redstone Gateway Development, Project No. 65-13-SP36, as follows:

(RESOLUTION NO. 13-453)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Land Design Solutions, Inc., for Landscape Architectural Services for Gateway Greenway Phase II and Adjoining Parking Lot Development, Project No. 65-13-WP01, as follows:

(RESOLUTION NO. 13-454)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Geo Solutions, L.L.C., for Construction Materials Testing Services for Martin Road on Redstone Arsenal, Project No. 65-10-RD09, as follows:

(RESOLUTION NO. 13-455)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc., for Industrial Access and Turn Lanes to the Toyota Plant, Base Bid and Alternate No. 1, Project No. 65-13-SP24 and ALDOT Project No. IAR-045-000-009, as follows:

(RESOLUTION NO. 13-456)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for the cooperative maintenance of the public right-of-way, as follows:

(RESOLUTION NO. 13-457)

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Terri Donley v. City of Huntsville and Paul David Schrimsher, as follows:

(RESOLUTION NO. 13-458)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Temporary Lease Agreement between the City of Huntsville and Sammy T's Music Hall, L.L.C., for Downtown Summerfest Street Party, as follows:

(RESOLUTION NO. 13-459)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400957400 for Lanier Lake Subdivision, as follows:

(RESOLUTION NO. 13-460)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke First Commercial Bank Letter of Credit No. 966 for Hawk's Ridge 4th Addition, as follows:

(RESOLUTION NO. 13-461)

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

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 6 to the Supplemental Development Agreement, TIF5 Series 2012-A, between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 13-462)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a lease agreement for Air and Space Rights between the City of Huntsville and the Health Care Authority of the City of Huntsville - Gallatin Street Air and Space Rights, as follows:

(RESOLUTION NO. 13-463)

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

President Russell moved for approval of a request for authorization to advertise and fill the position of Environmental Specialist III, Grade 17, at a higher than minimum salary if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved by the Council members present.

President Russell read and introduced a resolution

authorizing the Mayor to enter into an agreement between Metro Commercial Contracting, LLC, and the City of Huntsville for Landscape Management Facility Renovations, located at 2413 9th Avenue, as follows:

(RESOLUTION NO. 13-464)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into Modification No. 1 to the Agreement between the City of Huntsville and LTS Construction, LLC., as adopted by Resolution No. 12-553 on June 28, 2012, as follows:

(RESOLUTION NO. 13-465)

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

President Russell read and introduced a resolution to apply for Federal Transit Administration, 49 U.S.C., Section 5339, Grant, as follows:

(RESOLUTION NO. 13-466)

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

President Russell read and introduced a resolution to apply for Federal Transit Administration, 49 U.S.C., Section

5307, Grant Amendment under Grant No. AL-90-X217, Resolution No. 12-338, as follows:

(RESOLUTION NO. 13-467)

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

President Russell read and introduced a resolution authorizing the Mayor to modify the agreement with Goodwyn, Mills & Cawood, Inc., for Engineering Design Services for U.S. Highway 431 Improvements at Sutton Road, Caldwell Lane, Old Big Cove Road, and Plainview Drive, Project No. 65-12-RD03, by Modification No. 1, as follows:

(RESOLUTION NO. 13-468)

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

President Russell asked Ms. Kathy Martin, Director of Engineering, for an explanation of the above resolution.

Ms. Martin stated that this was a modification with Goodwyn, Mills & Cawood for engineering design services. She continued that it included additional design at Old Big Cove Road, as well as signal improvements. She stated that the amount was \$17,066.

President Russell asked if this was a signal at Caldwell Lane or it was improvements to an already existing signal.

Ms. Martin stated that it was a state project and that it

involved three intersections. She stated that they were modifying the signal at Sutton Road, to include a west turn lane, and were adding two new signals, one at Caldwell Lane and one at Old Big Cove Road.

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

President Russell read and introduced a resolution of support and approval of the Aldridge Creek Greenway Extension from Weatherly Road to Esslinger Road, as follows:

(RESOLUTION NO. 13-469)

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

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

Ms. Bostick stated that they had had the opportunity to apply for a grant called "Transportation Alternatives Program." She stated that this was funded through the Federal Highway Administration and administered through ALDOT. She stated that one of the requirements was a resolution noting the Council's support and approval of the extension. She stated that this was on the Aldridge Creek Greenway and that it would go from Weatherly Road north to Esslinger Road and that it was approximately 2/3 of a mile. She stated that this would be the same as the remainder of the Greenway, a 12-foot, multi-purpose

path. She stated that the grant amount was capped at \$400,000 and stated that they would have to match this with approximately \$500,000, so that the City would be paying somewhat more than half to complete the project. She stated that the amount was estimated at \$900,000.

President Russell asked if one could start at Jones Farm Park and go all the way to Ditto Landing via this greenway.

Ms. Bostick replied in the negative, stating that there would be a gap where Valley Hill Country Club owned the property.

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

Councilman Kling read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Wiregrass Construction Company, Inc., for Resurfacing of Residential Streets-2013, Phase I, Project No. 65-13-RR01, as follows:

(RESOLUTION NO. 13-470)

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

President Russell asked Mr. Preston Whitaker of Public Works for an explanation of the above resolution.

Mr. Whitaker stated that this was an agreement with Wiregrass Construction Co., in the total amount of \$2,308,930,

for the resurfacing of 52 residential streets across the city. He stated that this was a 90-day contract that they were anticipating starting very soon.

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

President Russell stated that the next item on the agenda was Vacation of Easements.

President Russell read and introduced an ordinance authorizing the vacation of a 10-foot Utility and Drainage Easement, Lots 11 & 12, Block 3, Blevins Cove Subdivision (King: 1703 & 1705 Trey Terrace), as follows:

(ORDINANCE NO. 13-471)

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

President Russell 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 had additional comments concerning John Hunt Park. She stated that she was aware that deals had been made and that it was coming through although it was not on the agenda for this meeting. She stated that she was concerned about the veterans property in the area, noting that she had seen the stakes where the property had been staked off and that this did not leave them any room for anything, they had been just about

cut off. She stated, concerning the Fire Department, that it was being moved further north, away from the south. She stated that she was aware that they had gotten some property from the School Board. She continued that they were having to move the fire station and build another one. She stated that she understood that the City Health Clinic was going to have to be replaced. She asked if anyone had considered the cost of what they were going to have to do to replace what they would be moving. She suggested that the Council members go and look at this situation.

Ms. Rosalind McDermott, 2602 Bonita Circle, appeared before the Council, stating that she wanted to speak in support of the Rising South Literacy School, noting that they were doing great work in helping underprivileged children in the area and providing them the opportunity to be in their productions. She stated that they were also doing great work with their education.

Ms. McDermott stated that she wanted to remind the Council that Mr. Jerry Burnet had been urging the Council to take action concerning the predatory lending that was going on in the area. She stated that she believed there was a lot the City could do, perhaps not on the issue of actual percentage rates of interest that would be allowed to be charged, but that the City could perhaps limit the areas where these businesses could locate, attempting to keep them out of vulnerable neighborhoods. She stated that she felt that less visibility

would assist with this. She stated further that a resolution stating a distaste for 40 percent APR per week would go a long way in aiding the citizens. She asked that they take all this into consideration.

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

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER