

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JUNE 23, 2016

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, June 23, 2016, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Culver
Councilpersons:	Russell, Robinson, Kling
Councilpersons Absent:	Showers
Mayor:	Battle
City Attorney:	Riley
Assistant to City Clerk-Treasurer:	Bell

President Culver called the meeting to order.

Rev. Frank Broyles led the invocation; Councilman Kling led the pledge of allegiance.

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

The minutes of the Regular Meeting of the Council on June 9, 2016, and a Special Session of the Council on June 14, 2016, were approved as submitted.

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

President Culver introduced Austin Brass, stating that he

was one of the interns in the City Council office and that he was studying to become a Planner.

President Culver asked Mr. Brass to introduce himself.

Mr. Brass stated that he was a graduate student at Alabama A&M, studying Urban Planning. He stated that he felt really blessed to have the opportunity to be a City Council intern at this time. He continued that if anyone in the audience had a son or daughter enrolled in a university program, he would really encourage them to apply for a position such as this. He stated that it had been a really good opportunity for him, and it was great to see how government worked.

President Culver asked Councilman Kling if he would like to introduce his special guest at this time.

Councilman Kling stated that it was his privilege to introduce a member of a very prestigious bloodline. He stated that the person sitting to his left was Will Bridges, the winner of the Huntsville Symphony Orchestra City Council Member for a Day, a premium they had donated. He stated that Will was the grandson of former City Council Member Hall Bryant, Jr., whom he noted was in the audience. He stated that this was a family that had had a great deal of service to the community, that in addition to Hall having served on the Council, Will's great, great grandfather had also served on the Council, as well as a great, great uncle. He continued that the Council was glad to have him at the meeting.

President Culver stated that in the audience was a mentee of his. He continued that she had started out being his mentee, but she had succumbed to the pressures of Judge Sybil Cleveland, who was also in the audience. He stated that he would like to introduce Medgine Picard, whom he noted was from Haiti.

President Culver stated to Judge Cleveland that the Council appreciated her attendance at the meeting, sitting in on behalf of Judge Rodenhauser.

Councilman Russell read and introduced a resolution congratulating the RiahRose Home for Children, Incorporated, on being honored for its untiring service to the community during the Rho Eta Lambda Education Foundation 15th Annual Thurgood Marshall Oratorical Luncheon, to be held at the Four Points Sheraton on June 26, 2016, as follows:

(RESOLUTION NO. 16-433)

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

Councilman Russell read and introduced a resolution congratulating Ernest Eugene Rogers on the celebration of his milestone 100th year of life, to be held at the Oakwood Adventist Academy Multi-Education Center on June 25, 2016, as follows:

(RESOLUTION NO. 16-434)

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

President Culver read and introduced a resolution recognizing the Robinson Family on holding the 2016 Arthur and Pearl Robinson Family Reunion, to be held in Huntsville, Alabama, from July 7-10, 2016, as follows:

(RESOLUTION NO. 16-435)

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

Councilwoman Robinson read and introduced a resolution recognizing the Scruggs, Hawk, Readus, and Russell Family Reunion, to be held in Washington, D.C., July 1-5, 2016, as follows:

(RESOLUTION NO. 16-436)

Councilwoman Robinson 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 Culver read and introduced a resolution congratulating Dr. Eurydice Osterman on her retirement from Oakwood University after 35 years of dedicated service, with a celebration to be held at the Oakwood University Church on July 10, 2016, as follows:

(RESOLUTION NO. 16-437)

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

President Culver read and introduced a resolution commemorating the life of Ronald Gene Childress, Jr.; funeral services to be held at Union Chapel Missionary Baptist Church on June 25, 2016, as follows:

(RESOLUTION NO. 16-438)

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

President Culver stated that he would be presenting the above resolution to the family during their time of bereavement.

President Culver stated that the next item on the agenda was the recognition of William Hall Bridges, Honorary Council Member for a Day, and recognized Councilman Kling.

Councilman Kling stated that everyone had already met Will, and that he just wanted to present to him a memento in appreciation of his and his family's support of the Huntsville Symphony Orchestra. He stated that they appreciated the Symphony and what they did for the community, and that they had high regard for Will and his family and the contributions

they had made to the community. He stated that he appreciated Will's support and his attendance at the meeting at this time.

President Culver stated that the next item on the agenda was Announcements. He stated that item 15.q had been deleted from the agenda.

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

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-312, zoning newly annexed property lying on the west side of Old Monrovia Road and north of Wayne Road as Residence 2-A District, which hearing was set at the May 12, 2016, Regular Council Meeting.

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

Ms. Nichols stated that this concerned newly annexed property, and that it was approximately 2.07 acres and was located on the west side of Old Monrovia Road and on the north side of Wayne Road. She stated that the property had been annexed two months prior, and that it was currently vacant land. She continued that the property owner would like to have the property zoned as Residence 2-A District, which she noted was the zoning designation of nearby properties.

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

There was no response.

President Culver stated that the public hearing was closed.

Councilman Kling moved for approval of Ordinance No. 16-312, zoning newly annexed property lying on the west side of Old Monrovia Road and north of Wayne Road as Residence 2-A District, which ordinance was introduced at the May 12, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-312)

Said motion was duly seconded by President Culver.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-312, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-314, zoning newly annexed property lying on the east side of Forrest Hills Drive and south of Dug Hill Road as Residence 1 District, which hearing was set at the May 12, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that the above property was also newly annexed land, and that it was approximately 4.20 acres. She stated that currently a single-family, detached dwelling was

located on this property, which she noted was consistent with the surrounding Forrest Hills Subdivision. She stated that the zoning proposed was Residence 1 District, which she noted was consistent with the remaining subdivision in this area.

President Culver 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, stating that he was in opposition to this particular zoning request because it seemed to him that there was already too much urban sprawl in the city of Huntsville. He stated that he hoped they would take some proactive action to see that Huntsville did not reach the point that the City of Madison, Huntsville's sister city, had reached, noting that they were talking about the problems they were having in meeting the needs of their citizens in a substantial and effective way.

Mr. Timberlake urged the Council to vote against the above ordinance.

President Culver asked Ms. Nichols if she had any response to Mr. Timberlake's comments.

Ms. Nichols stated that the subject property would use existing services, that the only services that would primarily change would be City schools, noting that the property would no longer be under the County School System. She continued that, also, their fire and police protection would change. She

stated that other than that, the City would not be extending many other services other than what they currently had, outside of utilities.

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

There was no response.

President Culver stated that the public hearing was closed.

President Culver moved for approval of Ordinance No. 16-314, zoning newly annexed property lying on the east side of Forrest Hills Drive and south of Dug Hill Road as Residence 1 District, which ordinance was introduced at the May 12, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-314)

Said motion was duly seconded by Councilman Russell.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-314, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-316, rezoning property lying on the south side of Redstone Road and on the east and west sides of Hobbs Road from Highway Business

C-4 District to Residence 2 District and Residence 2-B District, which hearing was set at the May 12, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that this rezoning request was a housekeeping item. She stated that several months prior, there had been a rezoning of property lying immediately west of the subject property from Highway Business C-4 to Residence 2 District. She stated that following this rezoning, there were two remnants of property that basically could not be used under their leftover zoning designation, which she noted was currently Highway Business C-4.

Ms. Nichols stated that the Planning staff wanted to clean up the zoning in this area. She stated that there were two different zoning districts they would like to propose: Residence 2 District, which she noted would be 4.54 acres of the total request, and Residence 2-B District, which she noted would be 2.38 acres. She continued that this was the total of the 6.92 acres listed in the ordinance. She stated that these two zoning districts were consistent with the adjacent zoning in the area.

President Culver 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 he was rising for a point of information, to find

out what would be the possible impact of this rezoning on increasing the student ratio and what impact it would have on the district ratio. He asked if it could have some deleterious effect upon the delicate issues he had previously brought forth.

President Culver stated to Ms. Nichols that Mr. Timberlake's question was concerning an increase in terms of the student ratio and the district ratio, as well as the other comments Mr. Timberlake had made.

Ms. Nichols stated that this would not actually have any effect on any of the concerns mentioned. She stated that the two acres that was proposed to be zoned Residence 2-B District, which she noted was located in the south area, as she was indicating on the displayed screen, was part of the Ashtynn Manor Subdivision. She continued that the current C-4 District stretched across a few currently occupied single-family, detached homes, so it would not affect anything new. She stated that, also, there was a Huntsville Utilities substation that was in the area. She continued that the second property was currently a retention pond for the Renaissance Subdivision.

Ms. Nichols stated that there would not be any change as far as any type of dwellings or anything being built there, so that there should not be an issue with City schools, or demographics, or anything of that nature. She continued that it would just basically clean up the zoning, making it

consistent with the adjacent neighborhoods.

President Culver asked Mr. Timberlake if his inquiry had been satisfied.

Mr. Timberlake replied in the negative. He stated that he was attempting to find out about the population, how it was going to change, and that from the explanation, it sounded like there would be no change. He asked why they were asking for a zoning change in the first place.

President Culver asked Ms. Nichols if she could look into this further and get back with Mr. Timberlake.

Ms. Nichols stated that she would do so.

President Culver 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 Culver stated that the public hearing was closed.

President Culver moved for approval of Ordinance No. 16-316, rezoning property lying on the south side of Redstone Road and on the east and west sides of Hobbs Road from Highway Business C-4 District to Residence 2 District and Residence 2-B District, which ordinance was introduced at the May 12, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-316)

Said motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any further discussion

of the above resolution.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson inquired as to the reasoning for the Residence 2 and Residence 2-B zoning. She asked if they were trying to clean this up, why they were not going with Residence 2 on both or Residence 2-B on both.

Ms. Nichols stated that Ashtynn Manor Subdivision, which she noted was in the blue area on the display, was currently zoned Residence 2-B, that this was the original zoning designation for this area. She stated that rezoning the remnants from C-4 to Residence 2-B would make that entire area consistent, as well as this zoning designation did stretch across three parcels of some of the homeowners. She continued that currently there were a few persons who had two different zoning designations on their property, and they had not been aware of this. She continued that, also, with the Renaissance property, it was basically useless.

Councilwoman Robinson asked if it was correct that nothing could be built on it.

Ms. Nichols replied in the affirmative. She stated that this ordinance was basically making the two remnants consistent with the zoning districts they abutted.

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

There was no response.

President Culver called for the vote on Ordinance

No. 16-316, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-318, amending the Zoning Ordinance of the City of Huntsville, Article 72, Sign Control Regulations, Section 72.4, Permitted Signs by Districts, by amending Subsections 72.4.2(1) and 72.4.8(6), to update signage regulations concerning Research Park and Research Park West Districts, which meeting was set at the May 12, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that this zoning ordinance amendment was to add some language to the existing Research Park Sign Regulations. She stated that currently there was some real estate sign language, but it was pretty vague, as far as aesthetics, and also the number of signs that one could have, as well as the placement of such signs. She stated that, basically, this ordinance was to add some conditions as far as these items were concerned. She stated that there would be a maximum of one sign per street frontage. She stated that, also, this would prohibit any type of temporary banners, which had currently been an issue for many of the tenants that were looking to relocate within the Research Park area.

Ms Nichols stated that they were basically wanting to clean up the area. She stated that this had been reviewed by the Research Park Board, and they had approved adding this

particular language.

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

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she had a lot of questions when they started messing with Research Park. She stated that she understood they had been working on this for a year and stated that they should have held some work sessions on this, that they should have been bringing some of it before the public. She stated that she was aware they were talking about signage at this time because it was blighted in that area, that Research Park was blighted. She stated that it was not the only part of town that was blighted. She continued that they were going to change it at this time, before they knew where they were going to build or develop out there.

Ms. Reed asked if that was the truth, if that was part of what this item on the agenda was about.

President Culver stated to Ms. Reed that they intended to answer her questions.

Ms. Reed stated that they did not have to answer her at this time, but that she was going to find out somehow. She stated that she had found out who owned a lot of property in that area, from Wynn Drive to the end of the mall. She continued that what they were doing did not make her happy.

Ms. Reed stated that she believed from Sparkman Drive and

Wynn Drive, the City needed to stay out of there and quit building a walkway and a party-hardy entertainment district. She stated that that area was history, that it was historical, that she had worked in that area in the 60s. She asked that they not tear up all of Research Park because some of them happened to own some of it.

Ms. Reed asked if this was part of the new development that was going to take place in Research Park that she had been fussing about.

President Culver recognized Ms. Nichols. He stated that he was assuming that the question was if this change was relative to the MidCity part of Cummings Research Park.

Ms. Nichols replied in the negative, stating that this was only concerning real estate signage, for any uses that might be for sale or lease. She stated that it was not concerning any other signage, nor was it related to the Research Park Master Plan. She continued that this would most likely come before the Council at a later date.

President Culver asked Ms. Reed if this had satisfied her inquiry.

Ms. Reed replied in the negative. She stated that when they messed with Research Park, that really upset her. She stated that she guessed her question had been answered, that it was a part of the Master Plan, and that they were going to put "For Sale" and "For Lease" and "For Rent." She asked why they were not trying to work with the Chamber, the Committee of 100,

and everyone, and try to rent those buildings and quit making a blighted area out of that. She stated that the owners knew what was going on, and that maybe they had already met with them and made a deal with them, that she did not know, but she thought so. She stated that the deal-making had been going on a long time, a year, as she understood it.

Ms. Reed stated that she had a problem, and that she was accusing all of them of it, and that she did not care whether they liked it or did not like it. She stated that this was part of that deal if they were changing it and putting real estate signs out there in Research Park. She asked if this was "Yes" or "No."

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

Mayor Battle replied in the affirmative. He stated to Ms. Reed that these were only the 4x8 signs, or the signs that were out there that persons put out: "For Sale," "For Rent," "For Lease." He continued that there had been complaints that signs had stayed out a long time, and signs had looked bad, and that there had been too many signs out there, that persons put two or three or four 4x8 signs on their property. He continued that this was only affecting the property in Research Park, and it was a sign ordinance, so they could make sure they did not have as much signage out there as they did at this time, but that they would have the proper amount of signage, nothing more and nothing less.

President Culver 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 Culver stated that the public hearing was closed.

Councilman Russell moved for approval of Ordinance No. 16-318, amending the Zoning Ordinance of the City of Huntsville, Article 72, Sign Control Regulations, Section 72.4, Permitted Signs by Districts, by amending Subsections 72.4.2(1) and 72.4.8(6), to update signage regulations concerning Research Park and Research Park West Districts, which ordinance was introduced at the May 12, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-318)

Said motion was duly seconded by President Culver.

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

President Culver recognized Councilman Russell.

Councilman Russell stated that he served on the Cummings Research Park Board and stated that this issue had been vetted. He stated that the Board had discussed it several times, and they had had public meetings concerning it. He continued that the subcommittee of the Board had met with property owners in Cummings Research Park, and this was what they had come up with.

Councilman Russell stated that he did not know if it had made everyone happy, but that it was certainly better than what they had had. He stated that, as Mayor Battle had explained, it was really just dealing with "For Sale" signs and "For Rent" signs and trying to make them somewhat uniform, in order to help the Park and help the look of the Park. He continued that this should benefit everyone.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-318, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on suspension of licensure of a certain taxpayer, which hearing was set at the June 9, 2016, Regular Council Meeting.

President Culver asked if there was someone from the Clerk-Treasurer's Office who would like to address this matter.

Ms. Peggy Sargent, Director of Finance, appeared at the microphone.

President Culver recognized Ms. Sargent.

Ms. Sargent stated that this was standard practice for failure to pay by a certain taxpayer within the city. She stated that this was under seal.

President Culver 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. He stated that he found it unconscionable that this matter was brought before the Council with such minuscule information. He stated that he believed there needed to be more information put out on this matter so that he, as a citizen, could better understand what the public servants were doing in his interest, and that he would respectfully request this.

Mr. Timberlake stated that the information the public servant had been so gracious as to bring before the public was a travesty, that there needed to be more information or it needed not to come before the Council.

President Culver stated that he was aware that they were limited in terms of protecting the private information of the residents and business owners. He asked Mr. Riley, the City Attorney, if they had disseminated the mandatory amount of information they could legally disseminate.

Mr. Riley replied in the affirmative. He stated that President Culver was correct in that they were forbidden by law to publicize the identity of the taxpayer. He continued that this was a privacy issue for the taxpayers, and that this was really for their protection. He continued that they did not make public the identity of the taxpayer and the information that Mr. Timberlake was requesting. He stated that this was the procedure they were supposed to follow.

President Culver 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 Culver stated that the public hearing was closed.

President Culver read and introduced a resolution suspending the licensure of a certain taxpayer, as follows:

(RESOLUTION NO. 16-439)

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

President Culver recognized Councilman Kling.

Councilman Kling stated that just to clarify what Mr. Riley had stated, that he was assuming what the Council was doing would be similar to what other municipalities around the state of Alabama were doing.

Mr. Riley stated that that was his understanding.

Councilman Kling stated that, as he understood it, they had to follow the guidelines on this, that it was not just the Council setting something up on this, that he understood there was State law or some sort of due process they had to follow.

Mr. Riley stated that that was correct. He continued that the Finance Department monitored these situations and made determinations with these taxpayers.

President Culver asked if there was any further discussion

of the above resolution.

There was no response.

President Culver called for the vote on Resolution No. 16-439, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on suspension of licensure of certain taxpayers, which hearing was set at the June 9, 2016, Regular Council Meeting.

President Culver recognized Ms. Sargent.

Ms. Sargent stated that this concerned additional taxpayers who had failures to file. She stated that these taxpayers had been notified, in compliance with State requirements, on more than one occasion. She continued that it was not that there was no information being sent to the taxpayers.

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

Mr. Ralph Timberlake again appeared before the Council, stating that he was bemused by the fact that if the taxpayer came in to address the Council if they could come in anonymously, or could anyone say they were that individual. He stated that the City, acting on his behalf, was taking some action against a fellow citizen or fellow entity in the city, but yet they were claiming to be acting under the guise of privacy. He stated that he did not see how this privacy came

about as this came before this body. He stated that if that was correct, he would reiterate his request that they cease and desist from bringing these matters before the Council, because he was embargoed from being able to make a prudent decision, or a prudent assertion, because of a lack of information under the guise of anonymity for the taxpayer. He stated that the City had acted on his behalf, and he believed he had the right to know what they were doing, and how they were doing it, on his behalf.

President Culver stated that he could assure Mr. Timberlake that the owners of these particular businesses were well aware of this matter, as Ms. Sargent had indicated, having been given notice of any action the Council was taking.

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

Ms. Rosa Snyder appeared before the Council, stating that she owned property at 3410 8th Avenue, and inquiring as to whether they were talking about a State law or an ordinance that protected privacy. She stated that just to say that there was a law was vague.

President Culver asked Mr. Riley if he would like to address Ms. Snyder's question at this time or if he would rather meet with Ms. Snyder at a later time to give her that information.

Mr. Riley stated that he would be happy to meet with her

at a later time, that, obviously, he could not recite chapter and verse at this time.

President Culver 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 Culver stated that the public hearing was closed.

President Culver read and introduced a resolution suspending licensure of certain taxpayers, as follows:

(RESOLUTION NO. 16-440)

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

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

There was no response.

President Culver called for the vote on Resolution No. 16-440, and it was unanimously adopted by the Council members present.

President Culver 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 boarding and securing against a certain property.

President Culver recognized Ms. Michelle Jordan, Director of Community Development.

Ms. Jordan stated that the resolution authorized the City Clerk-Treasurer to assess the cost of boarding and securing 2317 Mount Vernon Road, NW. She stated that they had requested payment for this abatement, by first-class mail, and had received no response or payment, so they were coming before the Council at this time to ask for approval to assess the cost.

President Culver 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 while he would thank Ms. Jordan for providing the public information they could utilize in an intelligent fashion, he was rising to ask the City Attorney, who advised the Council, how he could advise them when he could not cite what he was citing from. He stated that he would ask President Culver to ask the City Attorney to revisit his answer and provide the cite.

President Culver asked Mr. Riley if he would get this, with specificity, for Mr. Timberlake.

Mr. Riley stated that he could do that at a later date, and that he would be happy to do so.

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

Mr. Mike Jennings, 3815 Millbrae Drive, appeared before

the Council, stating that he was a note holder on the subject property. He continued that it had been sold approximately six or seven years prior. He stated that he needed to know more about what was going on with this property and asked if there was any way he could find out about it.

President Culver asked Ms. Jordan if she could provide a little more detail on what was happening with this particular property.

Ms. Jordan stated that the property had been found open and accessible to the public. She continued that it was boarded on May 9th. She stated that Mr. Jennings was not the property owner listed on the County data. She stated that she would be happy to speak with Mr. Jennings outside the meeting, but that he was not the current property owner listed.

President Culver stated that Mr. Jennings had stated that he was not the current property owner. He asked that Ms. Jordan get with Mr. Jennings and discuss this matter more in depth.

President Culver 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 Culver stated that the public hearing was closed.

President Culver read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of

boarding and securing against a certain property, as follows:

(RESOLUTION NO. 16-441)

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

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

There was no response.

President Culver called for the vote on Resolution No. 16-441, and it was unanimously adopted by the Council members present.

President Culver 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 cutting and removing of grass and weeds against certain properties.

President Culver recognized Ms. Jordan.

Ms. Jordan stated that the resolution would authorize the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against 41 properties located throughout the city. She stated that they had requested payment for these abatements, by first-class mail, and that they had received no response or payment, so that they were before the Council at this time to ask for their approval to assess these costs.

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

Ms. Mary Lightfoot, 2109 Norris Road, appeared before the Council, stating that she was present to speak in reference to a property she owned jointly with her uncle, who lived in Ohio. She stated that the address was 3004 Turf Avenue, and that the grass had been cut on this property. She stated that she had received a bill for this, but that somehow the letter had escaped her.

Ms. Lightfoot stated that she had called in reference to this, to try to determine what was going on, and she had talked to the inspector about it, and he had acknowledged the fact that normally if a letter was sent to her, something had to be wrong if attention had not been given to the property. She reiterated that she had not gotten this letter, but that she had gotten the bill. She continued that she had requested a copy of the letter, and she had received it, as well.

President Culver stated that the grass had already been cut on this property, and that that particular dollar amount was basically the standard rate, in terms of what the City charged for this. He continued that the assessment would be accurate, if he understood it correctly. He stated that he regretted that somehow she had not received the letter, but stated that the assessment had been made.

President Culver recognized Councilman Kling.

Councilman Kling stated that he did not know what could legally be done concerning this matter, but stated that he was assuming that since Ms. Lightfoot was appearing before the

Council, she felt that she had a legitimate argument. He asked if there was a way the administrative fees could be waived on this, and Ms. Lightfoot could be charged for only the cutting, with the understanding that this was a one-time situation.

President Culver stated that he believed there were 41 properties like this and asked Ms. Jordan if that was correct.

Ms. Jordan replied in the affirmative.

President Culver asked Ms. Jordan if she would like to comment on this matter.

Ms. Jordan stated that this was the first time she had heard that Ms. Lightfoot had not received the letter. She stated that the letter had not come back to them as return mail, so the assessment was before the Council at this time.

President Culver asked if they could work with this particular property owner, as they would with any property owner, on perhaps providing more time for payment.

Ms. Jordan stated that this would be assessed against the property, and it could be paid at any time.

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

Mr. Ralph Timberlake again appeared before the Council, stating that he wanted to ask the City to ask the City Attorney to have some conversation with the catastrophic United States Postal Service, which he stated was a woeful example of bad

government. He stated that one of the City's citizens had been harmed because of the lack of the Postal Service doing its job. He stated that he was paying taxes, and he was certain other persons were paying taxes, and they had a right to have something done to make sure that this entity that functioned in the city functioned to their benefit and not to their detriment. He continued that the United States Postal Service was one of those areas that seemed to have a propensity for doing this.

Mr. Timberlake stated that Ms. Lightfoot had said that she did not receive her mail. He stated that he had been before the Council for years complaining about the United States Postal Service's woeful ineptness and inability to do its job. He stated that this was a shame and a disgrace, because it was the only entity that was a governmental business in the United States Constitution, and that it functioned in the city as if it were some type of dictator or some type of enemy of the people.

President Culver 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 Culver stated that the public hearing was closed.

President Culver 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. 16-442)

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

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

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had noticed that on more than half of these properties, the owners lived out of state. She continued that they were being asked to do this assessment because there had been no response to letters that had been sent. She asked what the collection rate was on this, what response they received once the assessments went out.

Ms. Jordan stated that they had a good collection rate, but that she could not state the percentage at this time. She stated that when taxes were due or when the property was sold, there was a good success rate of recouping these costs.

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

There was no response.

President Culver called for the vote on Resolution No. 16-442, and it was unanimously adopted by the Council members present.

President Culver stated that the next item on the agenda

was Communications from the Public. He stated that as persons' names were called, they should go to the microphone and state their name and address for the record. He stated that persons would have approximately three minutes in which to address the Council.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that he was rising because he was very concerned about a lack of knowledge. He stated that he had gone to the public library earlier in the day to inquire as to its status, as to whether it was a publicly owned and operated entity or a private, nonprofit entity. He stated that as he had inquired at the reference desk, he had been told that the library was private and was not publicly owned. He stated that he thought he had misheard on this, so he had asked three or four other persons the same question, to ensure that his knowledge base had been increased, in lieu of having been shrunk.

Mr. Timberlake asked that the Council take proaction on this by not appointing the same people to these boards, so that they became entitled, and they ceased to educate their employees of this wonderful city as to who owned them and to whom they were responsible. He stated that he believed if the Library Board had a constant influx, there would be a constant change and a retention of good knowledge, that the public would be getting good knowledge, and they would be growing, in lieu of being stagnant.

Mr. Timberlake stated that this was a problem not only with the Huntsville Library, but that it was a shame because the library was a center of education for the city, as well as any other civilized situation, the city, the nation, or whatever they had. He asked if the Council would please have put on the website whether the Public Library was owned by the wonderful people of the city of Huntsville, Alabama, or owned by someone else.

President Culver thanked Mr. Timberlake and stated that the Council would certainly take that under advisement.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, expressing appreciation to the Council for allowing public input.

Ms. Reed stated that she had been told to settle down, to try and be a little different, but stated that when she had three minutes to speak, she could not think good and bad at the same time, that when she had three minutes, she had to hurry up and tell them what she thought. She thanked the Council members for putting up with all this.

Ms. Reed stated to President Culver that she had missed him at the last Council meeting, noting that he did answer some of the questions that citizens brought up, and she appreciated that.

Ms. Reed stated that she had seen that Ann's Studio of Dance had moved and stated that maybe that would stop a lot of noise in the city. She stated that the City needed to be a

little more careful when they issued licenses for property backed up to a neighborhood, noting that they could be responsible for a lawsuit.

Ms. Reed stated that she wanted to ask if any of them had bought any more property other than Reid Hardware on North Parkway and Terry's Pizza. She stated that someone had told her earlier in the day that they had bought two more pieces of property, that they owned four pieces. She stated that if they had done so, she wanted to know how much they had paid for it and where it was located.

Ms. Reed stated that the bridge they were building from Holmes Avenue over to Lowe Mill was going to be a good place for the homeless to hang out, with their bicycles and everything. She stated that they had better get some police ready to hang out up there with them, because that was what was going to happen, because they were going to need somewhere to go. She stated that \$25 million was a lot of money, and she believed they could have used some of that money for a better use somewhere else.

Ms. Reed stated that they should slow down on their development, that she believed the city was growing too fast, and that they were not letting the public know what they were doing. She stated that the public needed to take back their city. She stated that Huntsville could be a beautiful city if they would just slow down and use some common sense and think about what they were doing before they slapped it out there to

the developers. She stated that they were giving the city away. She stated that they were saying that Cummings Research Park was blighted, and they were giving the Holiday Inn a 90-year lease. She stated that either something was wrong with her head or they were messing it up somewhere.

Ms. Reed stated that she would like to attend the meetings of the Industrial Development Board, but that she could not do so. She stated that this Board was appointed by the Council, and that a lot of times they hid their money in that Board. She stated that they would pull a big deal, and they would throw the money out there where she could not get a hold of it, that she knew how it worked.

Ms. Reed stated that she was really concerned about a meeting they had had in the city with transportation experts from Smart Growth American, who had come to Huntsville for a workshop with the Urban Development team. She stated that she had read about this in "Speakin' Out News," and it had stated that the event would be held at the Stone Event Center, Campus 805. She asked if they had turned the Stone Center into part of City Hall operations. She continued that such events should be held at the Municipal Building.

Ms. Reed stated that they needed to stop campaigning on Channel 42 and put some of these meetings on there.

President Culver asked Mayor Battle if someone in the Administration could address Ms. Reed's question as to whether they had bought any additional property on North Parkway other

than Reid Hardware and Terry's Pizza, and if so, what property and the cost involved.

Mayor Battle stated that as Mr. Shane Davis, Director of Urban Development, came forward, he would mention that the bridge that had been talked about was done with a TIGER grant, and that the TIGER grant was specifically for pedestrian-style walkways, pedestrian and bicycle walkways, and that it could not be used for any other projects in the city, that it had to be used specifically for what they had applied for the grant for.

Mr. Davis appeared at the microphone. He stated that he believed what Ms. Reed was speaking of was the Lantana area on North Parkway. He stated that they had acquired two parcels, and that they had brought them before the Council, and the Council had approved them. He continued that they had not acquired anything past that. He stated that they had had conversations to consider the effort of cleaning up the Parkway. He continued that should they reach terms on anything such as that, that, of course, they would bring it before the Council for approval.

Mayor Battle stated that the whole idea of this was to make this a redevelopment site, that after the overpasses were completed, they would redevelop this area. He stated that this did give a perception of blight as one would come in the city, because of the older buildings that had outlived their useful life. He stated that as the road had been widened and widened,

the lots had gotten narrower and narrower, and that this area backed up into a residential community. He continued that it made sense for the City to actually buy these properties and then put them back up for redevelopment and make them redevelopment sites for future development at the time the overpasses were completed.

Mr. Davis stated that when the overpasses and the service roads were being built along the Parkway, when ALDOT and the Federal Highway Administration were doing those projects, this area had been proposed and offered as a total taking by ALDOT and the Federal Highway Administration, but the owners at that time wanted to remain on site, that they were aware of the amount of encroachment the road would have on their property and wanted to stay, and they had allowed that to occur. He stated that at this time those persons were long past gone as to the use of that property, and that at this time these were really uneconomic remnants, that they had little to no parking and narrow lots. He continued that it was going to take some assemblage and tear-down to redevelop this area, as Mayor Battle had stated. He stated that this was the reason the City was engaged in this effort.

President Culver recognized Councilman Kling.

Councilman Kling stated that he believed Mr. Davis had told him sometime prior, when they had had some discussions about the Hilton development, that in addition to the lease, which he noted was not a free lease, that this would result in

between 60 and 70 million dollars being generated in new money, sales tax, property tax, and things such as that.

Mr. Davis stated that they had that Return on Investment, and he could report on that at the next Council meeting. He stated that they had done a national RFP, that they had opened it not only to the general public but nationally, on bringing proposals back to the City, to add value not only to the downtown area but to increase the tax base. He continued that the winning proposal had been the only one that had offered to pay for the lease, that all the other proposals had wanted free rent, and that the City had said no to this. He stated that they would be collecting \$144,000 annually as the lease rate. He continued that there was a small portion of this for which there would be a \$1 million cash payment to the City, on top of the new sales tax revenue and property tax revenue that would be generated on the property. He reiterated that he could report back on that Return on Investment, noting that it was a very good deal for the City. He stated that, of course, they had also brought this matter before the Council for their consideration.

Ms. Rosa Snyder appeared before the Council, stating that she owned property at 3410 8th Avenue and also 3816 Bob Wallace Avenue. She stated that she had been involved in an ongoing zoning dispute for approximately a year, and that she had attended the Board of Zoning meeting on the prior Tuesday evening. She stated that a person had taken some

residential properties and had just bulldozed them, and had torn down all the trees, and put gravel down, trying to make the property industrial. She stated that she had been battling this person ever since.

Ms. Snyder stated that one of the things this person had done that had bothered her was that he had bought some industrial property, and there was a public right-of-way property in between, and there were two residentials, and her house was right next to that. She stated that he had taken the properties and made them all look uniform.

Ms. Snyder stated that she had contacted the Council members several times, via email, about this, and that she had received virtually no response. She asked why this person had not gotten the right-of-way property, the public property, vacated. She continued that there was a State law that this could be done, and that she believed there was also an ordinance, but she knew there was a State law. She asked why he had not done this rather than just confiscating it, without paying the City. She stated that no one could use it but these persons, and that they were not going through the legal channels to do this, and that she did not understand that.

Ms. Snyder stated that another thing that had happened after the recent Zoning Board meeting was that she had driven through the neighborhood, which she noted was Councilman's Kling's district. She stated that one of the comments at the meeting had been that the place was turning

into industrial anyway. She stated that she had driven through, and that she had found 10 lots, in Blocks 84 and 85, that were being used as industrial. She stated that she had looked on the Zoning map, which she believed was Map 1110, and these were R2-A properties.

Ms. Snyder stated that she had emailed Travis Cummings on the prior morning concerning this. She stated that her experience with the City was that when she contacted City employees about things such as this, she got no response. She stated that she believed Travis was going to ignore this, which bothered her, because she did not know how to find out. She stated that her question was how these industrial businesses got on this R2-A property. She stated that she did not understand what was happening.

Ms. Snyder stated that the lawyer of the person who had this property had said at the recent Board of Zoning meeting that he had tried to get the property vacated, but it was too difficult. She stated that she did not understand what was difficult about this, that it was all spelled out in the law. She asked the Council members if they knew what would be too difficult about this on this right-of-way property that had been confiscated.

Ms. Snyder asked if she could get answers to her questions.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had talked briefly to

Ms. Snyder, and that concerning the questions that were raised, they needed a list of the specific addresses involved, and then they could get the Zoning Department to let them know about this. He stated that if someone owned property and was using it for something that was not approved, that either they would have a variance or it would have to go through Zoning.

Ms. Snyder stated that there were two things involved, that there was the person who had tried to illegally convert R2-A property into Light Industrial, and then what had happened at the Zoning meeting. She stated that it had been less than 48 hours that she had realized that 10 lots that were zoned Residential were being used as Industrial. She stated that that was her second question. She continued that she had not even planned to ask this question when she had planned on coming to the meeting. She stated that she just did not understand what was happening in that neighborhood.

Ms. Snyder stated that she had looked around, and there were a lot of Huntsville Housing Authority properties there, and she wondered if this was why they did not care about the zoning. She stated that she believed that was wrong.

Ms. Snyder stated that she really didn't want to fight this person personally, that there was a law against what he had done. She stated that he just applied for a variance every six months, and that she believed if she was not there arguing against it, they would pass it, and it would be totally illegal.

Councilman Russell asked President Culver if they could ask Mr. McGuffey to explain this issue to the Council.

President Culver replied in the affirmative.

President Culver stated to Mr. McGuffey that there were several questions concerning this matter, and that one was why the owner did not get the right-of-way vacated rather than confiscating it. He stated that another issue was that there were lots being used as Industrial that were zoned R2-A. He asked Mr. McGuffey if he could address how the businesses got these properties.

Mr. McGuffey stated that this area was zoned in 1963, and this neighborhood was much older than that, and some of the uses had been Industrial for many years prior to the Zoning Ordinance. He continued that some of the uses in the area were Residential, and that some had been granted usage variances by the Board of Zoning Adjustment.

Mr. McGuffey stated that on the prior Tuesday evening, the case before the Board of Zoning Adjustment was to see if some residentially zoned property could be used industrially. He stated that the Board had denied this, as they had done the prior year, that Ms. Snyder had been successful in not allowing this use to creep into the residentially zoned area.

Mr. McGuffey stated that the property Ms. Snyder was concerned with was a right-of-way and what they believed to be a railroad right-of-way combined, so the property had a lot of difficult title, which he noted could make this very difficult

to abandon or vacate. He stated that the attorney representing the applicant at the Board of Zoning meeting on the prior Tuesday evening had stated that he had tried to pursue the removal of this right-of-way but had had a difficult time. He continued that it was very difficult to abandon railroad right-of-way.

President Culver asked if there were any further questions from any of the Council members concerning this matter.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had had a good working relationship with members of the Neighborhood Association in Lowe Mill, and that there were a lot of things that had happened in the past, and they were moving in a positive direction, that there were going to be some pretty good things that were going to be happening in the future. He stated that Lowe Mill was not being neglected, that it was not being forgotten, that there were many things that had taken place, that World Changers had been in there, that there had been road resurfacing, and street lights.

Councilman Kling stated that back when they had first gone to police precincts, a site on Triana Boulevard had been selected as a police precinct expressly because of Lowe Mill, and then they had moved the police precinct over off Clinton Avenue, and that site had been selected because, among other things, it was very close to Lowe Mill. He stated that the City had been working actively on this, and that Mayor Battle

had his staff had been doing yeoman's work in the area. He reiterated that there were some good things that were going to be coming out in the future.

President Culver asked if there were any further questions concerning this matter.

President Culver asked Mr. McGuffey to continue to make sure that Ms. Snyder was informed on any inquiries that she would make. He stated that he was aware that his office did a great job with this.

President Culver stated to Ms. Snyder that he did not recall getting an email from her, but that if she would send him one, he would certainly do his best to respond.

President Culver stated to Mr. McGuffey that Ms. Snyder's second question was how business had gotten the property that was zoned R2-A.

Mr. McGuffey stated that the zoning in this neighborhood was the same zoning from 1963, that it had not been changed. He stated that any businesses in residentially zoned areas were either granted use variances or pre-existed the Zoning Ordinance, that they were there before 1963 and had continued as some sort of business use throughout the time.

President Culver asked Mr. McGuffey if he would meet with Ms. Snyder outside the Chambers and explain the issue further.

Mr. McGuffey stated that he would certainly do so.

President Culver stated to Ms. Snyder that the Council was concerned about what was happening in her neighborhood.

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

Councilwoman Robinson read and introduced a resolution authorizing approval to purchase three new inspector trucks (PR 10219020) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-443)

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

President Culver recognized Mr. Joe Gehrdes of Huntsville Utilities.

Mr. Gehrdes stated that this was for the purchase of three vehicles for use by their electric personnel to inspect the fiberoptic contractors as they built out their network. He stated that this was for three trucks, and that the estimated cost was \$90,000.

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

There was no response.

President Culver called for the vote on Resolution No. 16-443, and it was unanimously adopted by the Council members present.

President Culver read and introduced a resolution authorizing approval to purchase contract labor to replace four wooden poles on Green Mountain (PR 10219339) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-444)

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

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes stated that this item, Resolution No. 16-444, and the following item on the agenda, Resolution No. 16-445, were associated with a discovery that had been made on an easement they had going up the side of Green Mountain, where, as the transmission fiberoptic network was being constructed, they had come across some problems with their networks there. He continued that these four poles needed to be replaced. He stated that the next item on the agenda was associated with this same discovery. He stated that he would explain that when they considered the next item. He stated that the estimated cost of this repair was \$94,750.

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

There was no response.

President Culver called for the vote on Resolution No. 16-444, and it was unanimously adopted by the Council members present.

President Culver read and introduced a resolution authorizing approval to purchase contract labor to repair the easement on Green Mountain (PR 10219339) (Utilities: Water), as follows:

(RESOLUTION NO. 16-445)

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

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes stated that, as he had previously explained, this was the same effort. He stated that they had come across an exposed water main, noting that this was a high-pressure water main that served approximately 150 customers on top of Green Mountain. He stated that upon that discovery, they had needed to make that repair very quickly. He continued that the estimated cost was \$94,750.

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

There was no response.

President Culver called for the vote on Resolution No. 16-445, and it was unanimously adopted by the Council members present.

President Culver recognized Councilman Russell.

Councilman Russell asked if they could get an explanation of the remaining Huntsville Utilities items on the agenda, items 8.d through 8.i on the agenda, and consolidate and approve these. He noted that they were all related to the same thing, just in different areas of the city.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she would like to ask, for the benefit of the public, why they were breaking these up

rather than simply approving the building and installation of the fiber network.

President Culver recognized Mr. Gehrdes.

Mr. Gehrdes stated that this was because the network would be built in sections, and they wanted to move forward in that manner, because there would be certain times when the sections were being constructed simultaneously by different contractors. He stated that, obviously, they would want to bid those projects out separately, just for the management of the construction itself. He stated that the six districts really spoke to the huts they had described, which he noted really amounted to sort of a fiberoptic substation.

President Culver recognized Councilman Kling.

Councilman Kling asked concerning the revenue that would be coming in off this. He stated that he believed Google was going to be a very big customer and asked if this was correct.

Mr. Gehrdes replied in the affirmative.

Councilman Kling stated that, therefore, this was not overly speculative, that they were kind of going for the future, but Google and Huntsville Utilities had talked, and there was a deal in the works, so to speak.

Mr. Gehrdes stated that there was actually a lease agreement in place. He stated that at the beginning, at this stage, that in the agreement it specified that Utilities would run fiber past an estimated 105,000 addresses in Huntsville that Google would have the capability to serve through their

network. He stated that in the agreement, Utilities would be paid \$5 for every address they passed, whether or not Google was serving the resident. He stated that what it basically amounted to was roughly \$7 million annually in revenue from that lease agreement alone, and that there would be more lease agreements. He continued that they did not have anything else in place at this time, but there were a lot of conversations happening, and they had every reason to believe there would be more agreements in place in the near future.

President Culver asked if there was any further discussion.

There was no response.

Councilman Russell read and introduced a resolution authorizing approval to build and install the distribution fiber network for Northeast City of Huntsville (WBS FIB-NETWORK.D1) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-446)

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

Councilman Russell read and introduced a resolution authorizing approval to build and install the distribution fiber network for Central and Downtown City of Huntsville (WBS FIB-NETWORK.D2) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-447)

Councilman Russell moved for approval of the foregoing

resolution, which motion was duly seconded by President Culver and was unanimously adopted by the Council members present.

Councilman Russell read and introduced a resolution authorizing approval to build and install the distribution fiber network for Northwest City of Huntsville (WBS FIB-NETWORK.D3) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-448)

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

Councilman Russell read and introduced a resolution authorizing the approval to build and install the distribution fiber network for Jetport and West City of Huntsville (WBS FIB-NETWORK.D4) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-449)

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

Councilman Russell read and introduced a resolution authorizing approval to build and install the distribution fiber network for Southeast City of Huntsville (WBS FIB-NETWORK.D5) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-450)

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

Councilman Russell read and introduced a resolution authorizing approval to build and install the distribution fiber network for East City of Huntsville (WBS FIB-NETWORK.D6) (Utilities: Electric), as follows:

(RESOLUTION NO. 16-451)

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

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

President Culver read and introduced a resolution to reappoint Dr. Jimmy Wall, Jr., to the Huntsville Water Utility Board, for a term to expire July 1, 2019, as follows:

(RESOLUTION NO. 16-452)

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

Councilman Kling stated that Dr. Wall, whom he noted had been a great servant to the community, had consented to continue to serve on the Utility Board to help see the completion of the Water Treatment Plant that was approximately a \$70 million project. He stated that he understood this was to be completed sometime around August or September of 2017. He continued that Dr. Wall had indicated that at that time, he would be interested in stepping down from this position.

Councilman Kling stated that at that time, the Council would have to look for a replacement for Dr. Wall. He stated

that he did not intend to be presumptuous, but that he had made contact with Mr. Gripp Luther, who had previously been mentioned for serving on the Utility Board. He stated that Mr. Luther had said that he would certainly be willing to come in at mid-term should the Council see fit. He stated that they could help bring this major project to closure with a veteran Board member, and, at the same time, they could have a good successor lined up. He stated that on a personal basis, he would hope that the Council members would give consideration to Mr. Luther at the end of the summer of the following year, or whenever the time might come.

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

There was no response.

President Culver called for the vote on Resolution No. 16-452, and it was unanimously adopted by the Council members present.

President Culver read and introduced a resolution to reappoint Dr. Jimmy Wall, Jr., to the Huntsville Natural Gas Utility Board, for a term to expire July 1, 2019, as follows:

(RESOLUTION NO. 16-453)

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

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

There was no response.

President Culver called for the vote on Resolution No. 16-453, and it was unanimously adopted by the Council members present.

Councilman Kling read and introduced a resolution to reappoint George Moore to the Huntsville Electric Utility Board, for a term to expire July 1, 2019, as follows:

(RESOLUTION NO. 16-454)

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

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

There was no response.

President Culver called for the vote on Resolution No. 16-454, and it was unanimously adopted by the Council members present.

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

Councilwoman Robinson nominated Lyle Voyles for appointment to the Community Development Citizens Advisory Council, for a term to expire April 14, 2018.

President Culver asked if there were any further Board Appointment Nominations.

There was no response.

President Culver 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. 16-455)

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

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

There was no response.

President Culver called for the vote on Resolution No. 16-455, and it was unanimously adopted by the Council members present.

President Culver asked Councilman Kling if there was a Finance Committee Report.

Councilman Kling replied in the affirmative. He asked Ms. Peggy Sargent, Director of Finance, to give the Council an update on sales tax revenue.

Ms. Sargent stated that at this time she had the April revenue numbers, which she noted were collected in the month of May. She stated that compared to the 2015 revenue, they were up 5.2 percent, which she noted was a good representation. She continued that it was showing that the city of Huntsville was still growing, which was what they always liked to see. She stated that, however, compared to the budget for 2016, they were up 1.9 percent.

Ms. Sargent stated that the reason she was presenting it

this way was that she wanted the Council members to understand that although a 5 percent growth year over year was wonderful, she did not want them to think there was 5 percent extra money to be spending when they came close to the end of the year. She continued that they had to compare this to the budget, noting that they were at 1.9 percent compared to the budget at this time.

President Culver asked if there were any questions for Ms. Sargent.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked Ms. Sargent what she projected the City's growth would be at the end of year.

Ms. Sargent stated that if she took the percentages they had for 2015 for the remainder of the months, she was showing that they would be at about 1.5 percent over the budgeted number, and probably 4 percent compared to 2015 actuals. She stated that this was still good, that it was still strong, and showing Huntsville was exactly what they thought it was, the Star of Alabama, and going in the right direction.

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

There was no response.

Councilman Kling stated that he would like to point out that later in the agenda for this meeting, Ms. Sargent would be giving a mid-year budget status report.

President Culver stated that the next item on the agenda

was Communications from the Mayor.

Mayor Battle announced the following reappointment:

The reappointment of Mimi Pothoff to the City Tree Commission, for a two-year term to expire June 15, 2018.

Mayor Battle stated that there were lots of things happening in the city. He continued that the following week was Armed Forces Week, and that on the following Monday evening there would be the Army Materiel Command Band in concert at Concerts in the Park. He stated that they would have a lot of friends from Redstone Arsenal present, and they would be trying to assure that they would have a very good time. He stated that this was also Redstone Arsenal's 75th Anniversary.

Mayor Battle stated that there would be a lot happening during all of the following week, that on Tuesday evening there would be another concert, at Huntsville High, and that on Wednesday evening, there would be another event, so that they would be celebrating the Armed Forces the entire week and making a celebration of their presence in the community.

Mayor Battle stated that, also, the Greene Street Market was happening at this time. He stated that he was just up on the Square, and that it was packed, that there were lots of people enjoying it, and eating and listening to the music on the Square.

Mayor Battle stated that he would like to ask Mr. Shane Davis, Director of Urban Development, and Mr. Chris McNeese, Director of Public Works, to come forward and give an update as

to where the City was on the "Restore Our Roads" project. He continued that, also, Mr. McNeese would give an update on where they were pavingwise in the community, and filling potholes. He stated that these were always some of the issues that happened at this time of year that they finally got somewhat caught up on. He stated that this was paving time and street construction time, and he would like for Mr. Davis and Mr. McNeese to just give a report so that the public would know what to expect.

Mr. Davis stated that the "Restore Our Roads" partnership with ALDOT had been highly publicized. He stated that they had completed one project, and that he would go through the entire list as to where they were. He stated that 2017 would be a very active year for all these projects, that as he gave the dates, persons would keep hearing 2017. He stated that he would go through these very briefly.

Mr. Davis stated that the first project was US 72 East at Moore's Mill Road and Shields Road, triple left-turn lanes on US 72 and Shields Road and Moore's Mill Road. He stated that this project was complete and was being utilized every morning and every afternoon by rush-hour traffic on the east side of the city. He stated that the cost of this project was approximately \$9 million.

Mr. Davis stated that the next project was South Parkway at Martin Road and Lily Flagg. He stated that on this project, the curbing was down, and some of the heavy-lifting stuff had

been gotten out of the way, storm boxes were set, and storm pipes, so one could kind of see what the finished product was going to be. He stated that about 50 percent of the curb was in place, and the railroad trestle bridge was almost complete. He stated that possibly the following week, or if not, the week after July 4th, one would start seeing the first bridge decking poured over the Parkway. He stated that this would be very exciting, and it would be what people would think would be near the end, but there would still be 24 months on this project. He stated that a lot of the pain was getting close to being over, so that they could get service roads and get persons transitioned to that, and then all the construction would be in the middle.

Mr. Davis stated that they appreciated the businesses that had been bearing with them, noting that it had been a good partnership. He stated that Councilwoman Robinson had been phenomenal in keeping active in her community for this. He stated that this project was moving forward, and it was a \$60 million project.

Mr. Davis stated that the next project was North Parkway at Mastin Lake. He stated that this project was 30 percent on the design, and that acquisition was scheduled to start in July of 2016, noting that they would start buying right-of-way with the State, in preparation for the following year's construction of that overpass. He stated that the current budget was \$34 million for this North Parkway overpass.

Mr. Davis stated that the next project was US 72 West, between Providence Main and County Line Road. He stated that this project had also been highly publicized. He continued that it was moving and was at 30 percent on the design. He continued that there was a lot of right-of-way to be purchased. He stated that the original intent of this project with the City and the State was that this project would be an approximate 35 to 36 million dollar project, but that it had currently escalated, due to the amount of right-of-way to be purchased, to approximately \$50 million. He stated that this was a 50-50 match, and that some of this was through the city limits of Madison, and they would be handling their portion of this.

Mr. Davis stated that the next project was US 231 between Weatherly Road and Hobbs Road. He stated that this was an access management project in South Huntsville, and that the design was approximately 50 percent complete, and that they believed in mid to late 2017, they would start that project. He stated that this was an additional \$15 million on the Memorial Parkway corridor.

Mr. Davis stated that the next project was the Northern Bypass, from Pulaski Pike to east of US 231/US 431. He stated that the design was approximately 60 percent complete, and they were in the process of purchasing right-of-way. He continued that appraisals had been mostly completed, and offers were starting to be made through the

State. He stated that, again, there would be a 2017 construction. He continued that this project would be approximately \$32 million.

Mr. Davis stated that the next project was Cecil Ashburn Boulevard, to connect Hampton Cove into the Jones Valley area. He stated that this was highly traveled, in both morning and afternoon rush hour, for the southeast portion of the city. He stated that this project was approximately 60 percent complete in design, and that they anticipated a public involvement meeting, to get public comment on this design, sometime in August or September. He stated that this would be highly publicized, as they got a little closer to getting the plans to present to the public, with an open dialogue public meeting. He stated that, again, there would be a mid 2017 construction, and that the project was approximately \$17 million.

Mr. Davis stated that the projects he had just gone through were \$220 million of the \$250 million of the partnership, of active construction. He stated that they were working on a supplemental with ALDOT, now that they had gotten far enough along, to go ahead and pencil in the remaining \$30 million. He stated that it appeared that they would be six-laning Research Park Boulevard from just north of University Drive into the Redstone Arsenal gate. He stated that they were working on that paperwork and would bring it to the Council later in the current year. He stated that this would solidify the entire \$250 million commitment between the

City and the State and have those project funds locked in.

Mr. Davis stated that there were two other projects that were not under "Restore Our Roads" but that were highly needed in the community and that had been highly publicized. He continued that one of these was Zierdt Road. He stated that the northbound lanes were approximately 90 percent complete, and they were in acquisition of the southbound lanes. He stated that there were approximately 17 tracts that were still in negotiation, that the State was handling. He stated that it appeared that the anticipated bidding for this project could be late in the current year, or in the first quarter of 2017, depending on how the acquisitions worked out.

Mr. Davis stated that the first phase of this project would be that they would connect the northern terminus, which was Madison Boulevard/I-565, to the new road that one could see on the ground at this time, and then the Martin Road Gate. He stated that these transitions would move traffic over to what would in the future be the northbound lanes, two-way traffic, and they would be able to build the greenway and the southbound lanes. He stated that this was an approximate \$35 million project.

Mr. Davis stated that Martin Road was approximately 90 percent in design, that they were purchasing right-of-way for this project also. He stated that this was an approximate \$25 million project, and that it would go from the Airport into Redstone Arsenal. He stated that this would be moving traffic

on one of the main roads to a job corridor.

President Culver thanked Mr. Davis for the presentation.

Mr. McNeese stated that he would provide a brief summary as to where they were with resurfacing. He stated that he had gone back and looked at the years from 2013 to 2015, and that when one added the resurfacing and the repair and maintenance for streets, they had spent approximately \$15.6 million over those years, 2013 to 2015. He stated that at the prior Council meeting, they had brought a resurfacing bid to the Council that Reed Contracting had been the low bidder on, and that it was a \$3.8 million contract. He stated that they were budgeted in the current year for \$5.4 million for resurfacing, and that in repair and maintenance, he believed they had right under \$600,000. He continued that when they added all these numbers together, they were looking at, over the last four years, approximately \$21.5 million that they had spent on resurfacing roads.

Mr. McNeese stated that the Public Works Department appreciated the Council's cooperative effort with them to continue the effort of resurfacing the roads, and that he thanked them very much for working with them. He stated that they had brought the contract to the Council at the prior Council meeting, and that the company was commencing resurfacing roads in the city limits of Huntsville in the current week. He stated that persons would see Reed Contracting out in different areas, starting to put down

some pavement. He stated that they were real excited about getting this started. He stated that the company had 90 days to complete the project, and that hopefully before the end of September or in October, in that timeframe, the work would be completed.

President Culver thanked Mr. McNeese for the presentation.

President Culver stated that the next item on the agenda was Communications from the Council. He recognized Councilman Russell.

Councilman Russell stated that they were in the heavy All Star Tournament season. He continued that the prior Saturday, he had been able to represent Mayor Battle at Cove Park for the start of their Little League Tournament. He stated that this was a great park, and that he had been able to see several of the games. He stated that the parents were doing a wonderful job there volunteering and running the program, and that Parks and Recreation and Landscape Management were continuing to amaze persons with how well they kept up the park.

Councilman Russell stated that on the following Saturday, he would be at Mayfair Park for two different Little League All Star Tournaments. He stated that there was a lot going on in the parks. He stated that he had started at Fern Bell, and then Cove Park, and now at Mayfair, so he was getting around the city.

Councilman Russell stated that he had also represented

Mayor Battle at a Confederation of Historians meeting. He stated that there were approximately 100 local historians, from many different groups, and they had talked about how they could celebrate the State's bicentennial in a couple of years. He stated that, as persons were aware, Huntsville was the place where it all started, and so there should be a lot of great events coming up in the city.

Councilman Russell stated that he had also been able to attend the Boys & Girls Club, noting that they were doing a great job serving so many children in the current summer. He stated that they really got in and got to know the children, and that he was very impressed with the organization.

Councilman Russell stated that if persons had not come to the Downtown area during the summer, they really needed to come. He stated that the past weekend, they had had NASA and the Army in Big Spring Park, that there had been a SCUD missile located in the park, and that had been very interesting to him. He stated that this had been a great opportunity to showcase the community.

Councilman Russell stated that Mayor Battle had failed to mention that there had been some big economic announcements in the city recently. He stated that GE Aviation had had their groundbreaking, and TVA had announced a megasite, which hopefully would pay off well for the city.

Councilman Russell stated that he and Mayor Battle had attended the Fellowship of Christian Athletes camp at

Hampton Cove Middle School, where they had had approximately 400 youth there all week attending sports camp, with about 30 from the Boys & Girls Club for whom they had provided scholarships. He stated that they were all having a great time.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that they had some really great Department heads in the City, and that at this time she would like to acknowledge some special help from some of them. She stated that Kathy Martin and her staff in Engineering had really done a remarkable job working with the Homeowners Association at Whitesburg Estates to manage some very challenging drainage issues in the area and thanked them for this effort.

Councilwoman Robinson stated that it had been brought to her attention a few months prior that they had issues with the lack of foul ball netting at some of the parks in the city. She stated that when she had gone to Steve Ivey and his staff at Parks and Recreation to ask for their help, they had immediately gone to work to try to find an innovative solution that made it affordable to be able to place that netting at those parks. She stated to Mr. Ivey that she was really grateful for his responsiveness to this, and his staff's willingness to take on this challenge.

Councilwoman Robinson stated that what she had mentioned were just a couple of instances of Department heads who had

been very, very helpful, that one could see this happening all over the city.

Councilwoman Robinson stated that a couple weeks prior, Ditto Landing had had their first Marina Day celebration. She stated that she had been out of town and unable to attend this event, but from all reports, they had had more persons attending that event than they had ever had at Ditto Landing, and it was a tremendous success. She stated that she had had the opportunity to sit down with Brandi Quick, the Executive Director of Ditto Landing, and with the City staff to review the plans for Ditto Landing. She continued that there were great things that were going to start happening there, and that it was going to be a great partnership between the Ditto Board, the City, the County, and others who were going to be involved in this. She stated that as all these changes took place, they were going to need people to help with it, so they were going to start looking at forming committees and bringing in volunteers who could be actively involved in the process of transforming Ditto into a recreation destination site that they knew it could become.

Councilwoman Robinson stated that on the prior day, the Community Foundation of Huntsville/Madison County had hosted Nonprofit University, noting that this was the third year for this. She stated that persons from five different states had attended, with one being from as far away as Washington State, and then from throughout Alabama and the surrounding counties.

She stated that the Community Foundation had done a remarkable job of putting this event together, and that it was of incredible benefit to the nonprofits, to the nonprofit staffs and nonprofit Board members. She stated that they were very grateful for that very successful event.

Councilwoman Robinson stated that Mayor Battle had mentioned the Armed Forces events that would be going on in the following week, and that she would add one more to the list. She stated that the AMC Band, together with the 110 Voice Choir would be performing at the Celebrate America concerts on Saturday, June 25, at 5 p.m. and 7 p.m. She stated that if persons wanted to learn more about this, they could go to "wecelebrateamerica.org." She stated that one of the coolest thing about this concert, other than fabulous music between the choir and the AMC Band, was that the narrations in between songs were provided by community leaders, including the City's own Kenny Anderson, former Councilman John Olshefski, Representative Mike Ball, Mayor Troy Trulock, Congressman Mo Brooks, and a host of others.

Councilwoman Robinson stated that, also, the Chamber's Armed Forces Concert on June 28 would be at Huntsville High School, and that tickets could be obtained at the Chamber.

President Culver recognized Councilman Kling.

Councilman Kling stated that he had been out of action a little bit, getting over some surgery, but there had been some events he had been able to attend during the week. He stated

that on the prior day, there had been a celebratory luncheon that had been held by Downtown Huntsville, Inc. He stated that it was good to be able to step back and look at all the progress that had taken place in Downtown Huntsville since approximately 15 years prior, when approximately 50 persons from Huntsville had taken a bus trip to Chattanooga to see how they were doing their downtown area. He stated that there had been a lot of partnership projects that had taken place between private businesses, people who were just advocates for the city of Huntsville, and local government that had worked.

Councilman Kling stated that as previous speakers had mentioned, there were many activities that were taking place in the Downtown area, that Downtown was basically a destination that persons from other parts of the city and other parts of the state would come to see. He stated that this was because of a lot of great work that had been done by a lot of good volunteers and persons who had worked with the City to make it the Downtown there was at this time. He continued that there was also a lot more to come.

Councilman Kling stated that he had had the opportunity to participate in the Merrimack Mill Village neighborhood cleanup that had taken place on the prior Saturday. He continued that the Merrimack/Joe Bradley Reunion would be taking place on the following Saturday.

Councilman Kling stated that he had had a very good Town Meeting, with some new persons in attendance, and some

good issues that had been brought up. He stated that an interest had been expressed in whether the City had any surplus typewriters that could be donated to the library, to be used by patrons of the library. He stated that he did not know if there was anything Facilities would have, but if there was anything that would become available, he believed they could work that out, and it would be a win-win for the public.

Councilman Kling stated that he had a concern, and he did not know whether it should be addressed to Mr. Riley or to Ms. Sargent. He asked if someone could explain what was going on with the towing contract, where they were on it. He stated that, also, he had been contacted about whether this would be something that could be carried over until Councilman Showers would be able to be in attendance at a meeting. He stated that he was just trying to get some clarity on this, as to what happened, and where they were on it, what the status of it was.

President Culver stated to Councilman Kling that he believed a motion to reconsider would be in order, and the Council could discuss this, if Councilman Kling so chose.

Councilman Kling asked Mr. Riley if this would be the appropriate thing to do.

Mr. Riley stated that, as far as where they were, the contract had been affirmed at the prior Council meeting, that it was voted on and had passed, and it was signed, so the contract had already been made. He stated that he had previously advised the Council that a motion to reconsider, in

his legal opinion, would not be in order under the circumstances. He stated that the City Council Rules, Rule 20, which he noted was Section 2-111, provided for a motion for reconsideration, and it could be made by a member of the majority of the Council that had voted in favor of the item at the previous meeting. He continued that in addition, that particular rule was addressed by Robert's Rules of Order.

Mr. Riley stated that the problem was that Robert's Rules of Order went on to list a number of circumstances where a motion to reconsider, even if it were to be made by an appropriate Council member, would be out of order. He stated that among those circumstances listed was an affirmative vote in the nature of the contract where the party to the contract had been notified of the outcome. He stated that this was the situation that was presented at this time, that the contract had been affirmed by the Council and had been signed, and the winner of that contract had in fact present at that Council meeting, so he had certainly been notified, or that business had been notified.

Mr. Riley stated that this was the opinion he had rendered on this issue.

Councilman Kling asked, concerning the contract they had and that had been approved, if the vendor made a mistake and put the wrong number down, and the City had gotten an extra good price, if it was correct that they could hold that vendor to that price.

Mr. Riley stated that that was correct. He continued that the vendor had the responsibility for preparing their bid and submitting that bid. He continued that that, he was sure, had occurred in this case. He stated that if that vendor had miscalculated his ability to make a profit, or whatever, that would not be the Council's concern, that it would be that particular vendor's concern. He stated that the vendor had submitted his bid, and that bid had been accepted, and a contract had been made. He stated that that would be the situation.

President Culver stated that he would like to interject at this time. He stated to Mr. Riley that the Council certainly appreciated his legal guidance on this matter. He stated that Robert's Rules, at best, was ambiguous from the standpoint of whether or not a motion for reconsideration could be made.

President Culver stated that he was of the opinion that a motion for reconsideration could be made; however, whether or not the Council would rescind the contract would be the legal question, as it related to whether or not the Council should do that. He stated that he believed the Council could always, after the first meeting, going into the second meeting, on any item just make the motion for reconsideration, but not necessarily, per se, act on that item. He stated that what he was saying was that in order to preserve this particular issue on the contract, he believed a motion to reconsider could be in order, but that it would not necessarily mean that the Council

would go back and do something contrary to the contract.

Councilman Culver stated that he understood that on this particular item, the bid had been forwarded to a law firm, Wilmer & Lee, whom he noted were very capable attorneys in the city, and they were going to review this contract for evaluation of the process. He stated that he was assuming that, for the most part, whatever decision the Council might make would be predicated on the results of this evaluation.

President Culver stated that, again, he would go back to the motion for reconsideration. He stated that he certainly did not have standing on this, because he had not been present and able to vote in the affirmative at the meeting at which this matter had been considered. He stated that this was a decision that his colleagues on the Council would make, and that they would move forward from there.

President Culver stated that absent a motion on this, he would move that this particular item be sent to the Finance Committee, for them to work with the law firm of Wilmer & Lee, as it related to the evaluation of this process. He stated that, in essence, the Finance Committee would report back to the Council the findings of Wilmer & Lee.

President Culver moved to send the matter to the Finance Committee.

Said motion was duly seconded by Councilman Kling, for discussion purposes.

Councilman Kling stated that he certainly wanted to be

responsive to Councilman Showers, but at the same time, it had been pointed out to him the current afternoon that Councilman Showers had signed this item. He asked Mr. Riley what would happen if the outside attorney came back and said that the City had not done the right thing on this. He asked if it would be helpful to have the Finance Committee if something had to be redone on this. He asked how Mr. Riley would suggest they go on this.

Mr. Riley stated that he did not believe referring this matter to the Finance Committee would change the status of the motion in any way. He continued that he did not believe the Finance Committee had any power or authority that was not granted to the Council as a whole, so he did not believe that transferring it to the Finance Committee would extend the time or make it available in any other different way.

Mr. Riley stated that he would point out, of course, that the losing bidder in this case had filed a protest, and that this was really a separate issue. He stated that they took this seriously, and they had, in fact, forwarded it to Al Jimmerson, with the law firm of Wilmer & Lee, for an independent evaluation. He continued that if his investigation were to determine some situation that rendered, for instance, the contract void, they would have a different situation, but that at this point, they did not have anything that revealed such, and that it appeared to be an appropriate contract that had gone through the procurement process, and that it had been

approved by the City Council in the normal course, and had then been presented to the winning bidder, and that service under that contract had begun at this point.

President Culver thanked Mr. Riley and stated that the Council certainly appreciated Procurement and the Finance Department. He continued that from time to time, it was not uncommon for them to do what Mr. Riley was doing, just to put a fresh set of eyes on things. He stated that he believed that was admirable, and that they would certainly wait for the outcome. He stated that, however, he would renew his motion as it related to passing this matter to the Finance Committee. He stated that he believed this would be appropriate, considering that it was an issue that would fall under the purview of the Finance Committee.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that following Mr. Riley's comments, it appeared very clear to her that this was not a financial issue, that it was a legal issue. She stated that it had been referred to legal counsel, and that legal counsel was working with the City's Legal Department, and that she believed it would be unwise, and perhaps even inappropriate, for the Council to take any action on this until they had received advice of counsel.

President Culver stated that it was not uncommon for the Council to refer, or commit, an item to a particular committee, and that even if a committee did not exist, they could create a

committee. He continued that in this instant case, there was a committee, the Finance Committee, and that, in his opinion, this would be appropriate for them to review more in depth, which, in essence, would take some of the pressure off the entire Council. He continued that all the intricacies associated with this matter would be discussed with the Chair and Co-Chair of the Finance Committee, and they would report back to the Council, as would any committee to which the Council might refer a matter.

President Culver recognized Mayor Battle.

Mayor Battle stated that in his time as Mayor, he did not believe they had ever referred a contract back to the Finance Committee. He continued that, secondly, they would most likely be putting Councilman Showers in a conflicted position, as Chairman of the Finance Committee, with the relationships involved. He asked if other members of the Council had seen this done.

Councilman Russell stated that he had never heard of the Council approving a contract and then sending it to a committee. He stated that perhaps he was wrong on this, and that if President Culver could produce such results, he would be glad to accept that, but that he had never heard of it and had never seen it.

Councilwoman Robinson stated that it would not be appropriate.

President Culver stated that while perhaps this had not

happened, to his knowledge, since he had been elected to the Council, it was not uncommon at all, that they had just not had the occasion. He continued that they had had an item similar to this come up previously, and one of the things the Council had done was just what Mr. Riley had done at this time, that they had farmed it out to an independent firm that did an evaluation and reported back to the Council.

President Culver stated that while what he was doing at this time had not been done, that did not mean their rules and their ordinance did not allow for it, that he believed they spoke very clearly to that issue.

President Culver stated that with that being said, he would still keep his motion on the floor.

Councilman Kling stated that he was aware that Mr. Riley had reviewed this, that he had seen emails going back and forth on it. He continued that because of the Open Meeting Law, the Council members did not get to talk much among themselves, and that he was just going by these emails. He asked Mr. Riley if he was satisfied that the process had been done correctly, that the City of Huntsville had done the bid process correctly, and that even though perhaps the price they had gotten was overly low, or perhaps it was not, the City had accepted that price, and the person that put that bid in had to live up to that contract.

Mr. Riley replied in the affirmative.

Councilman Kling asked Mr. Riley if, hypothetically, the

outside attorney came back and said they had found some flaws or there was something that needed to be done, that this was not a correct bid, and if after speaking with the attorney, Mr. Riley was in agreement that this was an incorrect bid, if the bid could still be redone, or corrected.

Mr. Riley stated that, in his judgment, if such an irregularity were discovered, there would be avenues available to reconsider the matter, that there would be other possibilities under Robert's Rules of Order to look at the contract again should the independent evaluation turn up something they had heretofore missed. He continued that he did not expect that to happen, but that that was the purpose of an independent evaluation, and that was what was occurring in this case.

President Culver stated that he wanted to re-emphasize that no one in this body was in any way suggesting that the City had done something wrong, that that was not what they were saying. He continued that he knew unequivocally that they had followed the letter of the law. He stated that the concern he had was that there was an official protest to the award, noting that to him this underscored the need for them to do just what they were doing, in terms of referring the matter to outside counsel and trying to preserve any decision the Council had made.

President Culver stated that he was not a licensed lawyer, and that by no means did he purport to be one, but that the

only thing he had been able to discover that would afford an opportunity for this matter to be revisited would be pursuant to their City Ordinance and Robert's Rules, which said, in its pertinent parts, that a Council member who voted in the affirmative on an item at a previous Council meeting could bring that item back up for reconsideration. He stated that where they were at this time, that was seemingly the only avenue that was available to the Council as it related to this contract, notwithstanding that the matter had been farmed out to a private law firm.

President Culver stated that with that being said, he still believed it would be appropriate for the Council to refer this matter to the Finance Committee for consideration. He stated that this would require a majority vote, and that majority vote would be three Council members out of the four who were in attendance at the meeting.

President Culver stated that his motion was to refer this particular item, the contract for Roadside Towing, to the Finance Committee. He continued that the Finance Committee would be responsible for reporting back to the Council on this matter.

Councilman Russell stated that he would not support the motion.

Mr. Riley asked if it was correct that this motion had been seconded by Councilman Kling.

Councilman Kling replied in the affirmative, stating that

it had been for discussion purposes.

President Culver called for the vote on his motion to refer this matter to the Finance Committee, and the following vote occurred:

AYES: Culver

NAYS: Russell, Robinson, Kling

ABSENT: Showers

President Culver stated that the motion had failed.

President Culver stated that Councilman Kling still had the floor.

Councilman Kling stated that he would like to yield the floor to his fellow Council Member for a Day if he had anything he would like to say, having had a front row seat to the Council's proceedings.

Mr. Bridges thanked the Council for being allowed to be in attendance at the meeting, noting that it had been interesting and a good experience to be able to see government from behind the microphone. He continued that, as had been stated previously, he came from a family that had some history in municipal government. He stated that his great, great grandfather, B.W. Blake, had served as a Councilman; his great, great uncle, Hall Blake, had served as a Councilman; and he also had a great, great uncle who had served as Mayor. He continued that he had a great grandfather, Hall Blake Bryant, Sr., who was a Councilman; and a grandfather, Hall Blake Bryant, Jr., who was a Councilman.

Councilman Kling stated that they were glad to have Will on the podium with them. He stated that he hated to use the word "mentor," but that Hall, Jr., had been a role model to him, that he had known him from back in his radio news days.

Councilman Kling stated to Mr. Bryant that he and his family had certainly been great contributors to the community, and that it was very much appreciated.

President Culver stated to Mr. Bryant that he certainly appreciated him and his family. He stated that when he thought of all they had done, he thought about the Boy Scouts, the troops, the lives they had touched. He stated that it was just an impeccable family, and that he understood the legacy was continuing. He stated that they were happy to see Mr. Bridges, whom he noted would also be instrumental in this in the future.

President Culver stated that he would yield some of his time to Mr. Bryant.

Mr. Hall Blake Bryant, Jr., 424 Locust Avenue, appeared before the Council, stating that he had sat on the Council for four years, that it had taken him two years to find out he did not want to sit on it for six years. He stated that the current Council members were nice, that they did good business and got along fine, that they had a great rapport among them. He stated that when he had served on the Council, it was not a very nice place most of the time, but that he had enjoyed all of them, respected all of them, and learned from all of them, and that they had done a great job. He stated that it was a

different city at the time, that it was a different attitude, but they had done business. He stated that, however, he wished he could have been with the present Council members, because it might have helped his personality. He thanked them for their service.

President Culver stated that he would like to recognize the Clerk of the Court, Ms. Sherri Huffman, and asked her to stand. He continued that he had referred to Judge Sybil Cleveland earlier, noting that she was a judge with the City of Huntsville, and asked her to also stand.

President Culver thanked them for being present at the meeting.

President Culver stated that he certainly agreed with what Councilwoman Robinson had said about the Department heads. He stated that he had had a Town Hall meeting the past Monday at the Good Shepherd Church, located at Old Railroad Bed Road and Capshaw Road, and he had entertained the neighborhoods of Rock Creek and Bridgewater. He continued that some of the Department heads had shown up at the meeting, and that they knew who they were, and that they included Planning, Engineering, Public Works, and the Green Team. He stated that he could not thank them enough for helping to remedy some of the situations in those areas that people believed they had forgotten. He stated that as long as he was serving on the Council, anyone who lived in Limestone County but within the city limits of Huntsville, he would do everything he could to

get them the same services that persons got in the central city.

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

President Culver moved for approval of Ordinance No. 16-411, declaring certain equipment surplus and to be sold at public auction, which ordinance was introduced at the June 9, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-411)

Said motion was duly seconded by Councilman Russell.

President Culver asked if there was any discussion from the Police Department concerning the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 16-411, and it was unanimously adopted by the Council members present.

Councilman Russell moved for approval of Ordinance No. 16-412, amending Chapter 9, Cemeteries, of the Code of Ordinances of the City of Huntsville, Alabama, which ordinance was introduced at the June 9, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-412)

Said motion was duly seconded by Councilwoman Robinson.

President Culver recognized Councilman Russell.

Councilman Russell stated that he had some questions for Ms. Joy McKee.

Ms. McKee appeared at the microphone.

Councilman Russell stated to Ms. McKee that he believed this matter was very important to the citizens of Huntsville, and certainly the citizens in the district he represented, and stated that he wanted to be sure that they had accurate information. He asked if she could review this ordinance.

Ms. McKee stated that most of what they had done in this ordinance was to update the new property that they would hopefully be opening up within the next couple of weeks. She stated that it had to do with the erection of monuments, the ledgers and coping, and the wording for said monuments. She continued that a lot of this went into all these details, such as how high the monuments could be. She stated that at the time of purchase, everyone would have been given on their deed what they could put where. She continued that some of the locations, because of the nature of the ground, would not be able to have upright monuments. She continued that this would be spelled out for everyone that came in to look at the property, and that it would be made known to them what they would be allowed to have or not to have.

Ms. McKee stated that these were some of the things that were addressed in the ordinance. She continued that there were some other things included, such as animals. She stated that there were not supposed to be dogs in the cemetery, and that this was in the ordinance, but that they were changing this to "animals," because they had persons who wanted to bring pigs

and cats on leashes, as well as goats and chickens. She stated that they did not find this appropriate in the cemetery, because they did not want animals to defecate in the cemetery.

Ms. McKee stated that they also had the prices included. She stated that there were 2,146 spaces that would be for sale, that they had 1,232 spaces that would be sold for \$3,000 apiece; they had 793 spaces that would be sold for \$2,500 apiece; and they had 121 spaces that would be used as cremation spaces or infant burials, and they would be \$1,250 apiece.

Ms. McKee stated that in the ordinance, some of the changes pertained to language updating things, but most of it was to make sure they had everything they needed for the selling of the new property.

Councilman Russell asked Ms. McKee, assuming the Council approved this ordinance at this time, when citizens could purchase a lot.

Ms. McKee stated that they could start calling them at this time and making sure they were on the list. She stated that they had a waiting list of approximately 400 persons. She continued that on the same date, they would mail everyone a letter saying that they had expressed interest in the property, and then as these persons called in, they would set up appointments for them, on a first come, first served basis.

Councilman Russell asked if there was any limit on how many plots a family could purchase.

Ms. McKee replied in the affirmative, stating that it was

12 plots per family. She stated that there would also be a first right of refusal, which would mean that the City would be able to buy back property at the rate the purchaser had bought it if the purchaser decided they did not want it.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-412, and it was unanimously adopted by the Council members present.

Councilwoman Robinson moved for approval of Ordinance No. 16-413, annexing 29.17 acres of land lying south of Hobbs Island Road and north of Bill Matthews Road, which ordinance was introduced at the June 9, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-413)

Said motion was duly seconded by President Culver.

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

Ms. Nichols stated that this property was approximately 29.17 acres and was located south of Hobbs Island Road and north of Bill Matthews Road. She stated that it was currently vacant farmland, and that the property owner would like to construct a proposed residential subdivision on the property.

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

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had a point of clarification on something that some persons had asked her about because John Wisda was doing this development. She stated that these persons had asked her if this was the property in Morgan County they had talked about previously. She continued that, of course, it was not, that the annexation of the land across the river, the Wisda property, was still under consideration, that they were still working on that. She stated that this was land that would be in Huntsville.

Ms. Nichols stated that that was correct.

Councilwoman Robinson stated that it would be an addition to the existing residential neighborhood, the development there, and would expand it. She continued that it would actually be a great addition to South Huntsville, particularly as work went on at Ditto Landing. She stated that this was one of those things that might bring some energy to the area, that it would be close to Ditto, and it would be an exciting development to see take place there.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-413, and it was unanimously adopted by the Council members present.

President Culver moved for a recess until 8:15 p.m., which

motion was duly seconded by Councilwoman Robinson and unanimously approved by the Council members present.

(Recess.)

President Culver reconvened the meeting.

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

President Culver reiterated that item 15.q had been deleted from the agenda.

Councilman Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Aterrell Willis, as follows:

(RESOLUTION NO. 16-456)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, Reed Contracting Services, Inc., for Wall Triana Highway Resurfacing, Project No. 71-16-RR03, as follows:

(RESOLUTION NO. 16-457)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Lease Agreement between

the City of Huntsville and Roger Martin Farms for the Lease of Farm Land in Cummings Research Park, as follows:

(RESOLUTION NO. 16-458)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Lease Agreement between the City of Huntsville and Roger Martin Farms for the Lease of Farm Land in the southwest corner of Capshaw Road and Wall Triana Highway, as follows:

(RESOLUTION NO. 16-459)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Garver, L.L.C., for Engineering Construction Administration Services for 2016 Water Pollution Control Sanitary Sewer Rehabilitation-Contract 2, Project No. 71-16-SP39, as follows:

(RESOLUTION NO. 16-460)

Councilman 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.

Councilman Russell read and introduced a resolution

authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, Weaver Environmental Services Co., Inc., for Periodic Bid for Emergency Manhole Rehabilitation, Project No. 71-16-SP35, as follows:

(RESOLUTION NO. 16-461)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and LTS Construction, L.L.C., for Periodic Bid for Emergency Pipe Bursting-2015, Project No. 65-15-SP44, as follows:

(RESOLUTION NO. 16-462)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the U.S. Department of Justice for the FY 2016 Edward Byrne Memorial Justice Assistance Grant, as follows:

(RESOLUTION NO. 16-463)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Huntsville and the Madison County Commission, for the FY 2016 Edward Byrne Memorial Justice Assistance Grant, as follows:

(RESOLUTION NO. 16-464)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Understanding among the City of Huntsville, the Madison County District Attorney's Office, the Madison County Sheriff's Office, the Morgan County Sheriff's Office, and the City of Decatur, Alabama, in re multi jurisdictional Madison-Morgan County Drug Task Force (STAC), as follows:

(RESOLUTION NO. 16-465)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to apply for and execute a grant from the United States Department of Transportation, Federal Transit Administration, under 49 U.S.C., Chapter 32, Title 23, United States Code, for Section 5307 financial aid for capital projects, as follows:

(RESOLUTION NO. 16-466)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to apply for and execute a grant from the United States Department of Transportation, Federal Transit Administration, under 49 U.S.C., Chapter 32, Title 23, United States Code, for Section 5339 financial aid for capital projects, as follows:

(RESOLUTION NO. 16-467)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Willoughby Roofing & Sheet Metal, Inc., for construction services for the Dr. Richard Showers Center Roof Replacement, located at 4500 Blue Spring Road, as follows:

(RESOLUTION NO. 16-468)

Councilman 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.

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

(RESOLUTION NO. 16-469)

Councilman 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.

Councilman Russell read and introduced an ordinance amending Budget Ordinance No. 15-642 by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 16-470)

Councilman 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.

Councilman Russell read and introduced an ordinance amending Budget Ordinance No. 15-642 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 16-471)

Councilman 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.

Councilman 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. 16-472)

Councilman 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.

Councilman Russell read and introduced a resolution approving travel expenditures, as follows:

(RESOLUTION NO. 16-473)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the City Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 401165600 for Pebble Creek Phase II at River Landing, as follows:

(RESOLUTION NO. 16-474)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Cooperative Agreement between the City of Huntsville and the Alabama Emergency Management Agency for Subaward of Emergency Management performance Grant, as follows:

(RESOLUTION NO. 16-475)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into Cooperative Agreement between the City of Huntsville and the State of Alabama

Emergency Management Agency for the State portion of the Emergency Management Performance Grant, as follows:

(RESOLUTION NO. 16-476)

Councilman 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.

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

(RESOLUTION NO. 16-477)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the Marshall County Emergency Management Agency, for the transfer of grant funds, as follows:

(RESOLUTION NO. 16-478)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Agreement between the City of Madison, Alabama, and the City of Huntsville, Alabama, regarding Emergency Outdoor Weather System

Installation and Cost Sharing, as follows:

(RESOLUTION NO. 16-479)

Councilman 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.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Premier Structures, Inc., for construction services for Renovations for Feline Housing at Animal Services, 4950 Triana Boulevard, as follows:

(RESOLUTION NO. 16-480)

Councilman 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.

Councilwoman Robinson read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Wiregrass Construction Company, Inc., for Winchester Road and Homer Nance Road Intersection Improvements, Project No. 65-15-TI01, as follows:

(RESOLUTION NO. 16-481)

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

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

Ms. Martin stated that this was a change order to adjust

final quantities with Reed Contracting on the Homer Nance Road/Winchester Road Intersection. She continued that this change order decreased the contract amount by \$21,913.52.

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

Mayor Battle asked if it correct that they had not expected this decrease.

Ms. Martin stated that this was based on actual field measurements.

President Culver called for the vote on Resolution No. 16-481, and it was unanimously adopted by the Council members present.

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, Miller & Miller, Inc., for Fagan Creek Culvert Extension, Project No. 65-15-DR01, as follows:

(RESOLUTION NO. 16-482)

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

President Culver recognized Councilman Russell.

Councilman Russell asked Ms. Martin if she could go over the cost of this project and tell them why they were doing this.

Ms. Martin stated that this was a contract to be awarded

to the low bidder, Miller & Miller, and that it was to install 4,000 feet of 14x12 box culverts, and that it would extend along Fagan Creek from Lowery Boulevard and would tie in near Monroe Street. She stated that the bid amount was \$3,998,688.

Councilman Russell asked if this project had actually saved them money, with the original design having been a bridge.

Ms. Martin replied in the affirmative. She stated that at the prior Council meeting, they had discussed a deduct on the bridge. She continued that with what they were bringing before the Council at this time, if they did a comparison of apples to apples on the Lowery Boulevard section, there was a decrease of \$270,000.

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

There was no response.

President Culver called for the vote on Resolution No. 16-482, and it was unanimously adopted by the Council members present.

President Culver read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Dunlap Contracting, Inc., for construction services for Big Spring Park East Phase II, 200 Church Street, Huntsville, Alabama, as follows:

(RESOLUTION NO. 16-483)

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

President Culver recognized Mr. Jeff Easter, Director of General Services.

Mr. Easter stated that this was a change order for the Big Spring Park Project that had recently been completed. He stated that this was for \$12,455, bringing the total contract to \$170,740. He stated that this included modifying and changing the size of the stage area in the park; dealing with some drainage issues associated with the sidewalk, which they had found during the construction; and repairing some of the brick and sidewalk area just outside the project area. He continued that there were actually some items that the contractor had not charged them for, noting that the contractor had modified the entry off Church Street coming into the park.

Councilman Russell asked how the stage was modified.

Mr. Easter stated that it had actually been modified a couple of times, that once they had actually gotten out there and stood in the stage area, where they had formed it up to prepare for the concrete, they had realized it was not going to be large enough. He stated that they had increased the size and had also modified the shape, so that they could add some vegetation and landscaping around it, for aesthetics, and also to hide the electrical they had put in around the stage area. He continued that this accomplished several things at once.

Councilman Russell stated that it was a job well done, noting that he had watched several of the bands, and that it had really benefitted the park, and he believed the citizens had certainly enjoyed it. He thanked Mr. Easter for this.

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

There was no response.

President Culver called for the vote on Resolution No. 16-483, and it was unanimously adopted by the Council members present.

President Culver moved for approval of a request for authorization to advertise and fill Police Officer positions to bring manpower up to authorized strength, which motion was duly seconded by Councilman Russell.

President Culver recognized Councilman Russell.

Councilman Russell asked Chief McMurray what the authorized strength was at this time and how many people he would be hiring.

Chief McMurray stated that what he would be hiring would be sworn officers, and that the authorized strength was 432 sworn officers. He stated that this was in anticipation of the March 6 Academy. He stated that the Academies were set by the Alabama Peace Officers Standards and Training Commission in Montgomery, so they had applied for that slot. He stated that there were seven Academies in Alabama, and Huntsville had one of them. He continued that this organization was the one that

gave them the March 6 date, once a year.

Chief McMurray stated that they had lost 15 officers in the current year, to either retirement or otherwise, and that they expected vacancies by that time, from attrition. He continued that in October was the new budget, and that they hoped to ask for a couple of new officers in their new budget the following year. He stated that this process would already be started, and the Council would have given them permission to go ahead and open the process August 15th through September 30th. He continued that that would be their hiring, that that would be their open dates in the current year for the March 6th academy.

Councilman Russell asked Chief McMurray if in order to get to authorized strength, he expected to make any lateral moves or hire anyone who was already a police officer.

Chief McMurray stated that they were actually currently hiring five, that the last one had taken his polygraph exam earlier in the day, and all indications were that he had passed it. He stated that the job offers would most likely go out the following week. He continued that this would be an accelerated academy that would start July 18th of the current year.

Councilman Russell inquired as to how this program was working, noting that he was excited about it, because he believed there needed to be a better process for hiring police officers, and that had certainly sounded like a good idea to him. He asked if this was working to Chief McMurray's

satisfaction.

Chief McMurray stated that they had brought in nine officers the prior year with the lateral program, but they had only brought in five in the current year, although he had been hoping for perhaps 10. He stated that, unfortunately, with the job market, at times they got officers who were job hopping, so they had to be carefully screened. He continued that, of course, they had to pass the polygraph examination and all the testing they did, so that they did not get everyone they wanted. He stated that this was the way it was with all hiring processes.

Chief McMurray stated that he fully anticipated they would be back up to full strength when the current academy was released, noting that July 8th was the graduation date. He continued that these officers would be riding dual for 18 weeks, and that around mid-October they would be back up to 100 percent strength for the holiday season.

Councilman Russell inquired as to how they were doing on diversity: white/black, female/male.

Chief McMurray stated the current Academy of 21 persons was 50 percent minority. He stated that they had done real well recruiting, that that Academy had started out with 1,000 applicants, and they had screened all the way down to 36 applicants. He continued that he had made 36 job offers, and 26 persons had taken him up on the job, and that now they were down to 21 persons. He stated that there was a dropout process

during the Academy.

Councilman Russell asked Chief McMurray if there were any females in the current Academy.

Chief McMurray replied in the affirmative, stating that he believed there were six females currently in the Academy.

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

There was no response.

President Culver called for the vote on the motion to approve the request for authorization to advertise and fill Police Officer positions to bring manpower up to authorized strength, and it was unanimously approved by the Council members present.

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

Councilwoman Robinson read and introduced an ordinance authorizing the vacation of a portion of a utility and drainage easement, Lots 15 and 16, Phase 1, Little Mountain Subdivision (Wright Homes), as follows:

(ORDINANCE NO. 16-484)

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

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

There was no response.

President Culver called for the vote on Ordinance No. 16-484, and it was unanimously adopted by the Council members present.

President Culver stated that at this time Ms. Sargent would present the Mid-year Financial Report.

Ms. Sargent stated that she had delivered some documents to the Council members' offices the prior week and stated that perhaps they had had an opportunity to review them. She continued that if they had not had the opportunity to do so, they should feel free to contact her if after looking over them they had any further questions.

Ms. Sargent stated that at this time she would just give a quick synopsis. She stated that the numbers in the books might look a little different than they had received in the past. She stated that Finance would continue to adjust them, using the new Munis system, and that as they moved further into it, they would look different again in 2017. She stated that the implementation was still progressing, and they were excited with what they were seeing. She stated that the new system was user friendly, once one had spent some time in it, and, additionally, it allowed a wider audience within the City to be able to access their data and be aware of what was happening within their own departments.

Ms. Sargent stated that with that said, Finance was looking forward to what 2017 had in store for the City. She continued that, however, they still had a little less than half

of 2016 to get through.

Ms. Sargent stated that the 2016 budget forecast an approximate 2.5 percent increase in revenue over the 2015 actuals. She continued that with this in mind, year-to-date revenue for the General Fund was approximately 5 percent over the 2015 actuals, but, however, the current projection was for the City to end the fiscal year at 1.5 percent over the 2016 budget. She stated that, additionally, the 2016 Expense Budget, as a whole, not just the General Fund, was approximately 6.6 percent greater than the 2015 actuals.

Ms. Sargent stated that although the reports Finance provided the Council and the Administration showed that most of the City departments were within the standard 7/12, or 58 percent, of the year's expenditures, this method of analysis did not tell a complete story for all the areas. She stated that a few of the reasons for this were: seasonal work and spending cycles in such areas as Landscape Management, Parks and Recreation, and Public Works; and the timing and life cycle of large projects in areas, including Engineering and Urban Development. She continued that even with a dedicated and long-serving employee base like the City had, the timing of retirement had an effect on the numbers that were seen.

Ms. Sargent stated that although the percentages in the report might look acceptable, that depending upon the additional detailed classification in the data she had provided, any excess in funds within a department was more than

likely not easily available for movement to another category, if it were available at all.

Ms. Sargent stated that, in summary, her expectation was that they would end the 2016 Fiscal Year exactly where her predecessor had intended when he prepared and presented the original budget to the Council: Balanced and with minimal excess remaining at the conclusion of the year-end audit.

President Culver thanked Ms. Sargent for her presentation. He asked if there was any discussion of this matter by the Council members.

President Culver recognized Councilman Russell.

Councilman Russell stated that he had received the budget book, but he had not seen this presentation on the agenda so he had not prepared for it. He stated that he had several questions for Ms. Sargent.

Councilman Russell asked Ms. Sargent what some of the numbers were that had jumped out at her and asked if there were any categories where they were way over budget or way under budget.

Ms. Sargent stated that the one department that had jumped out at her was the Council.

Councilman Russell inquired as to whether this was because of how cheap they were.

Ms. Sargent replied in the negative.

President Culver stated that they were over budget.

Ms. Sargent stated that that was correct, but she noted

that no one area was terrible. She stated that she believed it was because of the timing, noting that the Council appeared to have a lot of travel at the beginning of the fiscal year. She continued that she suspected they would not have a lot of travel at the end of the fiscal year, because that tended to be the time when there were elections.

Councilman Russell stated that he did not believe that was a fair statement.

Ms. Sargent stated that she did not know, but she was making an estimate, because some of it was the travel. She stated that the Council's expenses were at about 62 percent versus the 58 percent, so that they were running a little higher than would be expected.

Councilman Russell stated that to be fair to his colleagues, most of the travel was to conventions, et cetera, and that there were set times during the year, and it had nothing to do with election cycles.

Ms. Sargent stated that another area was Legal, and they had looked at that, and they had found that Legal had been spread across the City, into sub departments, and it was pulled all into the Legal area, and there wasn't an overall adjustment made to the total budget for them to account for that. She continued that they fully understood what that overrun was, and they had adjusted for it.

Councilman Russell asked how they were doing on fuel, noting that in the past, that had always been hard to predict.

Ms. Sargent stated that fuel was at 36 percent, so that it was not doing bad at all.

President Culver asked if there were any additional comments on this matter.

President Culver recognized Councilman Kling.

Councilman Kling asked if there was a City department that had a smaller budget than the Council.

Ms. Sargent replied in the negative, noting that the Council was actually the smallest budget, so that any spikes would be more noticeable. She reiterated that she did believe this was due to timing. She stated that a 7/12 analysis was a simple analysis and not a perfect analysis for a City budget.

Mayor Battle stated that a 7/12 analysis was done just to see if there was anything that really jumped out. He stated that he believed what they were seeing was that they were about where they needed to be, and that they might have an up side, that it would just depend on if the revenue kept coming in the way it had been coming in. He stated that this was just one snapshot, 7/12 of the year, and it showed them kind of where they were. He stated that he believed all the departments were in fairly good shape expenditurewise, that revenue had come in fairly well, that they were up just a little bit on sales tax, but that was kind of offset with some of the others.

Mayor Battle stated that the reason they did this mid-year review was just so they could take a snapshot and see where they were and if there were any adjustments that needed to be

made. He stated that at this point, he did not believe there were any adjustments they wanted to make, but that they would keep monitoring it.

President Culver recognized Councilman Kling.

Councilman Kling stated that if it were not done at this time, he would hope that in the following fiscal year's budget there would perhaps be a traffic signal technician position coming on board. He stated that he believed this would certainly be a well-utilized position, if this could be done.

Mayor Battle stated that that position was in the hiring process at this time, that they had received applications for the position, and they had to go through these and talk with persons.

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

There was no response.

President Culver thanked Ms. Sargent for the report.

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

President Culver stated that all persons who wished to address the Council should position themselves in proximity to a microphone. He stated that persons would have approximately three minutes to address the Council and asked that they state their name and address for the record.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that the City had hired approximately eight

new employees awhile back. She stated that in the aerospace business, persons were allowed to work with another employee sitting there before the job was slapped in their face. She stated that the City could not expect the new people to function like the other people had, that they had not hired them as they should have and let them work for awhile. She stated that this included the City Clerk-Treasurer and the Finance Director, as well as several other departments they had changed around.

Ms. Reed stated that the aerospace business was run a lot differently from the way the City operated. She suggested that some persons needed to quit and go to work for the aerospace industry and then come back and get elected.

Ms. Reed stated that she felt sorry for the new people. She stated that when Larry Conwill had told her he was quitting, she thought he was retiring, but he had gone to work for Water Pollution Control. She continued that he said he had not even been asked to go back to the Finance Department. She stated that some of these people needed some help, that they should not expect too much out of them.

Ms. Reed stated that previously they had had mid-year budgets and everyone could hear about it, and now there was a book, and she would like to have a copy of it. She asked how much money they had borrowed when they re-financed the School bonds. She continued that she would like to know how much new money the City had borrowed, that they should tell the

citizens the truth, that she did not know anything about it.

Ms. Reed stated that she had to fuss at Councilman Russell because he had asked Utilities to combine all their items, and Mr. Gehrdes had been telling her the cost of each item, which she had asked for quite awhile back. She continued that when the items were combined, there were no costs given, that Councilman Russell had cut Mr. Gehrdes off from providing this information.

Ms. Reed stated that she was sad because Sci-Quest had been taken out of the city, that the City had not had any money to give them.

Ms. Reed asked what had happened to Big Spring Jam. She stated that they should wake up and do what was right.

Dr. Scott Harris appeared before the Council, stating that he was actually a resident of Morgan County, but that he was a physician with the Alabama Department of Public Health. He stated that as persons might be aware, the current Madison County Health Officer, Dr. Larry Robey, had recently retired, noting that he had served for more than 34 years. He stated that he would be stepping into that role, and he had just come to the meeting in order to introduce himself to the Council and the Administration.

Dr. Harris stated that the Madison County Health Department was very appreciative of the support that had been given them by the City. He continued that they had a lot of changes and ideas in store, and they very much wanted to hear

from them, and that he wanted them to know who he was so they could call him. He continued that they wanted to provide for the public health in the city. He stated that if there was anything he could do for them, he would certainly like to have the opportunity to do it.

Mr. W.D. Strong, 3117 Teton Circle, appeared before the Council, stating that he was the owner of Reliable Towing, and that he had had the impound contract for a little over six years, and that he appreciated that opportunity.

Mr. Strong stated that they had been talking about numbers popping out when he bid the contract, but he stated the questions were because when he bid it, at the opening, when one bid \$1 on something. He stated that he had been in business ever since 1996, and he had never seen a company award a bid for \$1, that that was superseding the reason for a bid. He stated that this same contractor had gotten a contract with the City, towing the same type vehicles, for \$275 that was bid at \$35 in an impound contract. He stated that there were questions in his mind about making that decision on who received a contract if a person bid \$1 or if he bid a \$200, \$250 difference in the bid that he got from the City contract. He stated that the person would tow the same vehicle for \$35, but he was charging the City \$275. He stated that that was unreal to him in the industry they were in. He stated that in the industry that he was in, noting that he also owned a company in Athens, it was \$125 to \$150 for impounds. He

continued that in the city of Huntsville, it was different, that it was only 55 or 45, or whatever they bid it. He continued that it was 55 if it had been his company. He stated that that was a lot of difference.

Mr. Strong stated that he believed they were getting into a situation in Huntsville where if one had broken the law, they would tow it for them cheaper than for a person who had not broken the law. He stated that that was what he had seen over the prior six years, doing this contract for the City of Huntsville. He stated that they would tow a vehicle for a private citizen for 55 or 65 dollars, but they would do it as an impound for 45 or 50, or 35. He stated that that did not make a lot of sense to him. He stated that this would tell an 18-wheeler driver that he could come through Huntsville and get arrested, and they would tow his vehicle for him for \$35, but they would tow a vehicle for the public for \$250, or \$300 for a heavy haul, because they would be pulling it in with a \$250,000 truck or something. He stated that they had to up the price. He stated that this was the City of Huntsville, because it was on a bid process, and they did not have a standard as far as the industry went as to what to charge.

President Culver asked Mr. Riley if he would like to address Mr. Strong's concerns, or if he could do that at this time.

Mr. Riley stated that he believed he could address some of his concerns. He stated that the \$1 bid figure that was

discussed he had looked at from a legal perspective, that he was not "down in the weeds" with the Procurement Department. He stated that his understanding about the portion of that bid related to a dollar was that it involved motorcycles or vehicles that were less than 1,000 pounds. He continued that that particular component of the contract was approximately 1 percent of all the towing that got accomplished. He stated that as he looked at this, he likened it to a grocery store or a department store putting out a loss leader, or something on special, to get people in the door. He stated that that might be what had occurred in this case. He stated that they were not concerned about that \$1 bid because it represented such a small component as far as the total contract.

Mr. Riley stated that in regard to the City of Huntsville paying too little in comparison to Limestone County, to which Mr. Strong had referred, he believed that was what the bid process was supposed to address. He stated that, of course, the bid process was for the benefit of the municipality and of the citizens, not the actual bidders. He continued that it appeared that it had worked in favor of the City of Huntsville, in that it provided lower rates in this particular circumstance, covered by this impoundment contract. He continued that he believed this was to be expected. He stated that he believed, also, that if those prices were too low for businesses to make a profit, then, obviously, the number of persons who would bid for that business would go down, because

not many persons were going to want to bid repeatedly to go out and lose money.

Mr. Riley stated that in regard to the 75 versus 35 differential, that while he did not know the exact figures as far as percentage of the total contract, he believed that represented a smaller portion of the contract, as well, and that the bulk of the contract involved towing what he would call "normal vehicles," not small vehicles like motorcycles or large vehicles like big, huge trucks or something. He stated that that was going to be the "bread and butter" of the contract.

President Culver thanked Mr. Riley for his comments.

President Culver stated to Mr. Strong that he was aware that he most likely had other questions and stated that hopefully those could be addressed at a later time, when they got back with the firm that would be evaluating this process.

Mr. Mike Jennings, 3815 Millbrae Drive, appeared before the Council, stating that there was a question that had bothered him earlier, when they were talking about relationships. He stated that he would like for the rest of the Council, especially Councilman Russell and Councilwoman Robinson, to understand that Councilman Showers had taken an interest in the City, that he had been over to their facility on several occasions, and that his main concern had been whether or not they had gotten on a call within 30 minutes. He continued that he had been saying to them over

the years that they needed to make sure of this. He stated that it had never been to assist them or help them, that it was criticism almost every time he came, about whether they were doing a good job or not, that they needed to make sure the citizens got served properly. He stated that when people talked about relationships, he would probably be better off with a relationship with someone else, because Councilman Showers was very critical.

Mr. Jennings stated that it was interesting that when Reliable had the City contract, that after 5 o'clock, they had to store vehicles at Reliable, but that as soon as another contractor was the low bidder, the City had given them a key to the City gate, that they didn't have to store vehicles on their lot, that they could take them straight to the City. He stated that he believed that was unreasonable, that it was not fair. He stated that if they were going to be fair, they needed to be fair, to do it right.

Mr. Jennings stated that they had a situation at this time where they would have to go to one street and get an impound out, and then send the customer all the way back to the Parkway to get their car. He stated that that was just not fair. He stated that as a matter of fact, the Chief had put out a letter saying that from 8 to 5, one would go to Washington Street, and after 5, one would go over to Jordan Lane.

Mr. Jennings stated that the bottom line was that it just needed to be fair, that they should just do it fair, that they

should not treat one company differently from another company, that it was just not fair.

Mr. Jennings stated that more than half of the impounds were on the north side of town. He continued that that was unacceptable. He stated that he did not deal with the impounds, that Mr. Strong dealt with that, that he dealt with AAA and Allstate and Nationwide, and others such as that.

Mr. Jennings reiterated that he believed the City just needed to be fair in the application of what they did and the way they looked at bids. He stated that it was very difficult when a company would say they only needed three employees, and all of a sudden at this time they had nine employees, but, yet, they towed all over the city, and Gurley, and everywhere else, with three employees. He stated that common sense would tell you some things, that it would tell you a lot, that one could not do all that with three employees.

Pastor T.C. Johnson, 1800 Sparkman Drive, appeared before the Council, stating that he had been present at the prior Council meeting, and that he had been in these towing arguments because he attended Council meetings periodically. He stated that every time this contract came up, there were arguments, and a different company was in.

Pastor Johnson stated that this time what was despicable was when one looked at the June 9th agenda. He stated that every time other than on this item, it was said that the Mayor was going to go into a contract with someone, and there was the

name of that person. He continued that on the June 9th agenda, item 15.p, it said nothing about towing, that it didn't mention anything. He stated that if one read item 15.p, it made it seem that it was intentionally embedded in a way that Councilman Showers would not catch it. He stated that he did not know who had done this, but that it was absolutely unfair that it had been done in that manner, because there was no way that if towing had come up, Councilman Showers would have just bound it with everything else.

Pastor Johnson stated that he could read item p. from the last agenda, noting that it said, "Resolution authorizing the Mayor to enter into agreements with the low bidders meeting specifications as outlined in the attached Summary of Bids for Acceptance." He continued that other items on the agenda said that the Mayor was entering into a contract with somebody, such as the low bidder, Reed, or whatever. He stated that that in itself was absolute deception, that it was absolutely deceitful, that it was absolutely unfair. He stated that the only difference was that it always looked like it was African Americans on the low end of the totem poll in these kind of situations.

Pastor Johnson stated that he would like to ask another question. He asked how many contracts the City had with African American companies.

President Culver stated to Mayor Battle that he would assume that the Administration would have to research

Pastor Johnson's last question to be able to provide that information specifically. He stated that, however, if that information was available at this time, he could certainly deliver it.

Ms. Sargent stated that she could address the wording of the item.

President Culver recognized Ms. Sargent.

Ms. Sargent stated that that item had been worded exactly as were all other items related to a low bid. She continued that, in fact, there was one on the agenda for this meeting, and that it was worded as follows: "Resolution authorizing the Mayor to enter into agreements with the low bidders meeting specifications as outlined in the attached Summary of Bids for Acceptance." She continued that the persons that were on this list were not listed on the agenda. She stated that on this one, there was only one, and she believed it was for a historical survey. She stated that it had been handled in the same manner as they were on every agenda.

Mayor Battle stated that that was the normal process they followed with bids.

Councilman Russell stated to President Culver that he might also tell Pastor Johnson who was responsible for the agenda, noting that that was President Culver.

President Culver stated that that was correct, that he was responsible for the agenda.

Councilman Russell stated that if there were any problems

with the agenda, it was the responsibility of President Culver. He stated that the agenda was followed just as it always had been, and that President Culver had approved it and published it, and that he believed President Culver needed to defend the City on this issue.

President Culver stated that Councilman Russell was absolutely correct, that he was totally responsible, as President of the Council, for the agenda. He continued that, however, there was one change that perhaps they could make. He stated that he had previously listened to the changes that had been recommended by Ms. Reed, such as putting in the number of acres concerning property that was being annexed. He stated that for the purpose of transparency, perhaps this would be something they could go back and revisit if that would be consistent with what they would be required to do.

President Culver stated to Councilman Russell that he was absolutely correct, that item 15.u on the agenda for this meeting was a typical item for a low bidder, but that even with that item, he believed it was incumbent upon the Council to be more transparent, to indicate perhaps the name of the particular company. He stated that he was not criticizing what had happened up to this point, because they had done it in the way it had always been done, but that because of the outpouring of concerns, that to him it warranted perhaps revisiting and revising, as they had done with some of the other requests that had been made by citizens.

President Culver stated that they were not going to jump and beat anyone up, unless it would be him, noting that he was the one who should be beaten up as a result of this. He continued that with that being said, and so he would not be beaten up again, he wanted them to go back and revisit this and perhaps revise it to show it to the general public, so that anyone who would be reading the agenda would know that 15.p on the agenda was Roadside and 15.u on this agenda belonged to XYZ Company or whatever. He stated that he believed this was reasonable.

President Culver stated to Mayor Battle that with that being said, perhaps they could revisit the matter.

Mayor Battle stated that the Administration would be glad to follow whatever the Council wished to do in this situation.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked Mr. Riley if this would present any issues with regard to confidentiality, noting that there would be contractual things going on with this.

Mr. Riley stated that he did not know that there would be any confidentiality issues at this juncture, but that before answering that question offhand, he would want to make sure of this. He stated that what he had found out in his short period of time serving as City Attorney was that when a procedure was in place and had been done a certain way for a long period of time that because he did not know the reason for it did not mean that there was not a good reason. He continued that

before he spoke out of hand, he wanted to make sure that he spoke with persons who had been serving the City longer than he had and find out why it was that it was being done in that manner.

Councilman Russell stated that one could always click on the agenda on Wednesday at 3 p.m. and see all the documents, that everything was out there, that it was very transparent, that all it took was a citizen wanting to see it, and it was there. He continued that, also, obviously, one could call the Council office and be provided it.

President Culver stated to Councilman Russell that he was absolutely correct on this, but that, however, he was thinking about some of the citizens who might not be as computer savvy as some other persons.

President Culver stated that if it was not too taxing and if it were to be legal, then it could satisfy a lot of some of the transparency concerns that had been expressed to the Council. He stated that he was amenable to whatever solution they could come up with. He continued that it was kind of "water under the bridge" from the standpoint of what had already happened in this regard. He continued that there was evidence that it had happened in this manner before, and that it was not that they purposely did something to cover this up. He stated that what he was saying was that from this point forward, perhaps they could go back and revisit this and make it even more transparent, to perhaps the person who only got a

hard copy of the agenda. He stated that the agendas were at the desk in the lobby, so there were a lot of persons who would get this particular document. He stated that if this document could be as inclusive as practicable and reasonable, he believed it would be of benefit to the Council and the Administration, as well as to the general public.

President Culver asked Ms. Sargent if she had a comment.

Ms. Sargent stated that she was just going to add that, as the Mayor had stated, they would proceed as the Council requested, but that they would want to look into it, because one of the causes of the difference was all the ones that were separated out fell under the State Title 39, which made them public, whereas the low bidders fell under Title 37, which she noted was Procurement. She stated that this could be something as simple as procuring paper towels, or as in this case, towing, or a simple survey, which was what was on the agenda under this item for this meeting, rather than the building of a road or a water plant or a building, a very large public item. She stated that that was why there was that separation and difference.

President Culver thanked Ms. Sargent for the information she had provided concerning this matter. He stated that they would task Mr. Riley and his staff with ascertaining whether or not it would comply with Title 37 that she had referred to versus Title 39, to see if that would be in compliance. He continued that if it were to be, it would be the Council's

practice to do that from this point forward, just to be open and more transparent.

President Culver offered his apologies to everyone for this and stated that they would do everything they could to ensure that it did not happen like this again if it would be at all possible and practicable.

Mayor Battle asked if they could add that if they were going to do this, if President Culver would just let the Administration know when he would be available, and they would get the Department heads with him to do this. He stated that they could explain it to President Culver, and then he could bring it back to the Council, and the Council could make sure that they agreed with it, and then they could move forward from that point.

President Culver stated that they could do that, although that would not require Council action. He stated that they could certainly do that, and that he was in the office every day, and any day would be fine with him. He stated that he would work it out with the Administration, and that the Council could discuss it, hopefully, at the next Council meeting.

President Culver recognized Councilman Russell.

Councilman Russell stated that this citizen had basically accused them of being racist, saying that this was somehow done because of the race of the participants in the contract, that it was done on purpose because of race. He stated that he took offense to this, that it was not true, and that he wished

President Culver would speak up and say that that was absolutely, unequivocally not true.

President Culver stated to Councilman Russell that he had said that previously, that this particular body did not do that intentionally to cover up anything, as evidenced by other items on the agenda that had similar verbiage.

President Culver stated that this was not something that was intentionally done. He continued that he would never even support something that discriminated, not just against African Americans but against anybody. He stated that without regard to persons' ethnicity, age, gender, or orientation, they were all people and were all created equal.

President Culver stated that he wanted to again say that he apologized for the oversight, but that in no way was this a volitional act to discriminate or to hinder or to conceal something from anyone on that particular item. He stated that he hoped he had made this very clear.

Councilman Russell thanked President Culver, stating that it was well said.

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

Ms. Erica Edwards, 3332 Meridian Street, appeared before the Council, stating that she resided in District 1. She stated that one of her primary concerns in her district was the heavy influx of police presence in the area. She continued that they had a lot of citizens being arrested for very minor

issues. She stated that the police were showing up in heavy numbers, and that she was not certain why there appeared to be an influx, or if there actually was. She stated that persons in the area were not familiar with these police personnel, that they were in their communities, but that persons in the community were not aware of who they were. She continued that when these police personnel came into their communities, persons felt antagonized, that they did not feel safe, they did not feel protected, because when they were addressed, it was in an antagonizing manner.

Ms. Edwards stated that she would like for this to be looked into so that perhaps the police could understand that they were a community, and that they did want to work together with them, but that if they came at them with an antagonizing attitude, that would only create more incitement. She stated that if they had the opportunity to get to know who the police personnel were and, also, why there were so many, then maybe persons would have a better understanding of why there was such a heavy presence in their area.

President Culver recognized Councilman Kling.

Councilman Kling stated that if there did seem to be a perception that there were too many police personnel in one area, he would be glad to request the Chief to redirect that manpower to Southwest Huntsville. He stated that there was certainly a need in that area, and that if that would help solve the problem, he would be very appreciative of it.

President Culver stated that he believed what he was hearing was that they most likely needed more police/citizen interaction in a non-confrontational way.

Mayor Battle inquired as to whether this was the Edmonton Heights area.

Ms. Edwards stated that it was the Edmonton Heights area, reaching over into Holmes Avenue, going down toward University Drive. She continued that she saw a police presence heavily on Pulaski Pike, in that area; Meridian Street, in that area; and Winchester Road, in that area. She continued that persons were being pulled over for not turning on their signal in a turning lane or not wearing a seat belt. She stated that it was very minor, and it appeared that persons were intentionally being targeted because of the area and because of the possibility of persons not having some of their credentials, or insurance, or whatever it might be. She stated that she believed this area was being targeted specifically for a reason, but she was not sure what the reason was. She stated that she would like to know if it was, and if it was, then why.

President Culver recognized Councilman Russell.

Councilman Russell stated that he represented Edmonton Heights, and that approximately a month prior, he had met with the Edmonton Heights Neighborhood Association, and that it had been a great meeting, with 30 to 50 people in attendance, and that they had requested that there be more police presence in the area, that they had said they did not

feel safe in their homes without the police there. He stated that, actually, they had demanded a police presence in the area. He stated that he had told them that this was what would happen, that there would be police in the area, and that they had all said that they understood and they agreed with it and wanted the police in their neighborhood, that they wanted to see a lot of police officers, that they wanted to see a presence. He stated that he had communicated this directly to Chief McMurray, and he was glad he was doing it, since it was the request of the neighborhood.

Ms. Edwards asked Councilman Russell if they had noticed that there was an increase in crime or what had been the reason that the citizens had said to him that they needed this increase.

Councilman Russell stated that the citizens had felt unsafe in their houses, that they wanted to see the law enforced, and they said to please have it done, that they felt it was not being done, and they wanted to see the police in their neighborhood. He stated that this was strictly what they had requested, and that Chief McMurray was complying with this request, that they were listening to persons they represented, and that he believed they were happy.

Ms. Edward stated that that was in regard to those 30 or 40 people that he was referring to. She stated that she was again asking if these people actually had any crimes that had been committed against them that made them feel the need to

have such a heavy police presence.

President Culver stated to Ms. Edwards that she had a few seconds remaining in her allotted time and asked that if she had any additional questions, to go ahead and ask them.

Ms. Edwards stated that Councilman Russell had not stated whether or not there was an increase in crime in the area.

President Culver stated to Ms. Edwards that Councilman Russell, if he chose to do so, would address her question, but that he wanted her to go ahead and ask all her questions so that there would not be the back and forth dialogue.

Ms. Edwards stated that that was her question, that her question was why there was such a heavy police presence in the North district and in the North area unless there had been an increase in crime, noting that she meant real crime. She continued that her question was as to why they were so heavily populated in her area.

Councilman Russell stated that he did not know the crime statistics, that he had been listening to persons he represented and their concerns, and that they were normal concerns of break-ins and drugs.

President Culver stated to Chief McMurray that he had some outstanding officers in his department, such as the Community Resource officers. He stated that what he believed could work in this situation would be more interactions such as what Captain Rice had done at the North Precinct. He stated

that perhaps there could be more interaction between the communities and law enforcement, to see if they could foster a good or a better relationship. He asked if this would be something that would be remotely possible.

Mayor Battle stated that that was being done at this time, noting that that area was in Captain Rice's district.

Chief McMurray stated that that was correct. He stated that they had dedicated Community Resource officers at every precinct. He stated that he had all the stats and all the numbers for the entire Police Department, which had just been published on the current day. He stated to Ms. Edwards that he would like to hand her a copy of this, noting it would show her the crime stats, et cetera.

Chief McMurray stated that they put officers in areas based on two things: Where the crashes occurred and where the crime occurred. He stated that this was called "Data driven policing." He stated that they looked at all the locations where the crashes and injuries were occurring and all the crime, in the major violent categories, and they merged those together, and that was where they placed their police officers. He stated that this was a nationally known method, that it was used all over the country, and that it had nothing to do with race or gender, that it had to do with crime and crashes. He stated that the best way to reduce both of these was to put as many officers as they could in those areas.

Chief McMurray stated that they were also responsible to

the public, and that when they met with the elected officials and asked for more police presence, they were responsive to these requests. He stated, concerning the Community Relations officers, that they set up parties frequently. He stated that, also, they had over 10,000 Community Watch members in the city who helped them safeguard their communities. He stated that there were more than 180 separate Community Watch agencies. He stated that one would not find this type of participation anywhere, in any city like this, where there were 10,000 persons directly communicating to their police department, through the Community Resource officers. He stated that it was a very vibrant program, and that they stayed very connected.

Chief McMurray stated to Ms. Edwards that he appreciated her coming to this meeting and sharing her information with them. He stated that he would get the report he had mentioned to her at this time and would talk to her after the meeting.

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

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER