

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, JULY 10, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, July 10, 2014, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

President Russell stated that the invocation would be read by Debbie Esslinger, an active lay member of Trinity United Methodist Church, and that the pledge of allegiance would be led by Mr. Jerry Cox.

The minutes of the Regular Meeting of the Council held on June 26, 2014, were approved as submitted.

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

President Russell stated that the next item on the agenda was the presentation of the Star 99.1/CAFY Young Citizen of the Month Award.

President Russell recognized Mr. Hamilton.

Mr. Hamilton stated that it was his honor to represent Mayor Battle in his absence.

Mr. Hamilton stated that it was a special pleasure to be able to recognize the Star 99.1/CAFY Young Citizen of the Month. He recognized Dr. Harry Hobbs for this presentation.

Mr. Hamilton stated that he wanted to take this opportunity to publicly acknowledge Dr. Hobbs' service to the community, noting that this would be his last official act in his current role, serving in the Huntsville Police Department, noting that he would be moving on to another public service position in Huntsville Utilities. He stated that Dr. Hobbs had spent many years serving the nation in the military and had served the community in the educational field, in service to the Police Department, and now would be serving at Huntsville Utilities.

Mr. Hamilton thanked Dr. Hobbs for his service, and for the outstanding job he had done for the citizens of Huntsville.

Dr. Hobbs expressed appreciation for the recognition.

Dr. Hobbs stated that he was very excited to be able to make this presentation to the Star 99.1/CAFY Young Citizen of the Month. He thanked the Council, the Mayor, Mr. Hamilton, and Chief Lewis Morris of the Police Department for allowing him to do this.

Dr. Hobbs asked Michael Milam to come forward, stating that he was the July winner of the Star 99.1/CAFY Young Citizen

of the Month award, and that he was a resident of the Huntsville Housing Authority. He stated that there was a crowd present to cheer him on and asked them to do so at this time.

Dr. Hobbs stated that Michael was the Communications Director for the Huntsville Housing Authority's Youth Council, that he was a member of the Partnership for a Drug-Free America, and that he expected to earn a technical degree at Drake State Technical College, and then Alabama A&M, that he had a plan. He stated that he was very positive and that he gave back any way he could give back, through the Boys & Girls Club, through the Annual Anti-Bullying Rally, fundraising for the Boys & Girls Club, and helping at the Manna House and the Community Food Bank. He stated that he embodied what they wanted in the youth in this great city.

Dr. Hobbs stated that with the diversity the previous six winners had had, Huntsville continued to show that it was a town that allowed everyone to win, and that if one did what one needed to do, one would get recognized in a positive way.

Dr. Hobbs recognized the sponsors present, Producer Bob Reznikov with Star 99.1, Mr. George Dugan with DynCorp International, and Ms. Sara Crocker of the Human Relations Commission of the City of Huntsville.

Ms. Crocker stated that the Human Relations Commission of the City of Huntsville was proud to honor Michael and present him with a certificate recognizing him as the Star 99.1/CAFY Young Citizen of the Month.

Mr. Dugan stated that on behalf of DynCorp International, he would like to thank Michael very much, noting that it was wonderful to see the youth of the city coming out and helping the community. He continued that he was also influencing other young citizens to do the same and that that was absolutely wonderful. He made a presentation to Michael.

Mr. Reznikov stated that Michael influenced him to want to do better himself, and that hopefully this would also help other persons to do the same, and they could get recognized. He stated that that was what Michael was doing for other persons and congratulated him.

Dr. Hobbs presented a CAFY Coin of Excellence to Michael, on behalf of the CAFY Foundation.

Dr. Hobbs thanked Mr. Kenny Anderson of the Multicultural Affairs Office for the role he played in this recognition.

Dr. Hobbs recognized Michael.

Michael stated that he would like to thank the Huntsville Housing Authority, the Boys & Girls Club of North Alabama, his mother, his aunt, and his great-aunt, and everyone who had played a major role in his development and his life. He stated that one thing he had learned through his life was that as long as one was pushing forward and never gave up, everything in the world was possible and was always within one's reach.

Councilman Kling read and introduced a resolution congratulating Ms. Rosita Hyland upon her retirement as Executive Assistant to the President and CEO of Huntsville

Utilities for 31 years, as follows:

(RESOLUTION NO. 14-480)

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

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

Councilman Kling stated that Ms. Hyland was not present at the meeting but that he would like to take a moment to publicly acknowledge the great work she had done for the people in the city over the past several years. He stated that she was a great person to work with as a liaison between Huntsville Utilities and the City Council, noting that there were many calls that he had received with which she had assisted him. He stated that persons might not have liked the final outcome to some instances, but that she had made sure all citizens were treated with respect and courtesy, and she would determine if there was a special circumstance so that they could provide extra assistance to a citizen.

Councilman Kling stated that she was one of the finest persons he had worked with and that he certainly appreciated this and wanted to express great appreciation for the wonderful job she had done for several years.

President Russell stated that item 15.f had been deleted from the agenda.

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

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution to authorize the placement of a Weed Lien with the Office of the Tax Collector of Madison County, Alabama, on certain property that had been declared a public nuisance and had had the nuisance removed by the City.

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

Mr. Benion stated that the above resolution identified a property that had previously been declared a public nuisance, in accordance with State law. He continued that this nuisance had been removed by the City and that the property was identified on Attachment A, by owner and location. He stated that Community Development had issued work orders to abate the nuisance, at a total cost of \$3,208.83.

Mr. Benion requested that a Weed Lien be placed with the Office of the Tax Collector of Madison County on this property that had been declared a public nuisance, with the nuisance having been removed by the City.

Mr. Benion stated that notification of this proposed action had been posted and that the owner might wish to speak at this time.

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

particular issue.

Mr. James Hessler appeared before the Council, stating that he lived at 1320 Pratt Avenue, the property in question. He stated that he objected to the resolution on the grounds that the City had overreached in abating the nuisance, destroying numerous trees and causing damage to his property. He stated that this action would allow the Tax Collector, if he were not able to pay the \$3200, to auction his house, leaving him with no collateral for his mortgage, at which point he was reasonably certain the mortgage company would say, "Mr. Hessler, we need our money," rendering him homeless and destitute.

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

There was no response.

President Russell stated that the public hearing was closed.

Councilman Culver read and introduced a resolution authorizing the placement of a Weed Lien with the Office of the Tax Collector of Madison County, Alabama, on certain property that had been declared a public nuisance and that had had the nuisance removed by the City, as follows:

(RESOLUTION NO. 14-481)

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

Councilman Olshefski.

President Russell asked Mr. Joffrion to advise the Council on this resolution.

Mr. Joffrion stated that this matter had been all the way to the Appellate Court of the State of Alabama, regarding the City's authority to abate the nuisance at this property. He continued that Mr. Hessler had had a considerable amount of time to abate the nuisance on his own and the City had encouraged him to do so, had attempted to meet and develop a plan and work with Mr. Hessler's attorney and work with the Botanical Garden COO. He continued that all efforts had been made to encourage this without having to do it with City crews, and that this had just not been successful, so that the City had used City crews for this purpose.

Councilman Kling stated that he understood the legal process involved in this, noting that they had gone through the entire legal process. He asked if the level of abatement was excessive or if it was within the parameters that were expected and communicated. He stated that he had driven by the property and that he could certainly see a big change.

Mr. Joffrion stated that it was in accordance with the plan that had been proposed and drawn up by the City's arborist, noting that considerable thought had gone into the development of the plan. He stated that a number of persons with the City were involved in this, including Joy McKee, Marc Byers, and persons from Community Development. He

continued that these persons had all participated in the abatement of the nuisance and that they had followed the plan specifically.

President Russell called for the vote on Resolution No. 14-481, and it was unanimously adopted by the Council members present.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution for suspension of licensure for Everlite Business, Inc., which hearing had been set at the June 26, 2014, Regular Council Meeting.

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

Mr. Taylor stated that he would review, for the Council and the public, the process related to matters such as this.

Mr. Taylor stated that when the City believed, through the Finance Department, that additional taxes were owed to the City, the City would issue what was referred to as a "Preliminary Assessment," which he noted was a notice that the City provided the taxpayer of the taxes they believed were due and why they believed they were due.

Mr. Taylor stated that the taxpayer would then have a 30-day statutory period to appeal this to the Department, noting that they generally allowed 45 days. He continued that if there were an appeal, they would consider the matter and decide whether or not any adjustment would be necessary. He stated that if no adjustment was necessary or if there was a

modification, they would then issue what was called a "Final Assessment," being the final notice to the taxpayer.

Mr. Taylor stated that the taxpayer would then have a 30-day statutory period to appeal this, noting that this would be to an independent hearing officer.

Mr. Taylor stated that there had not been a preliminary appeal in this case.

Mr. Taylor reiterated that the taxpayer would have an opportunity to appeal to an independent hearing officer, who would then decide in favor of the City or the taxpayer.

Mr. Taylor stated that the final assessment had not been appealed, noting that that would make the assessment binding on the taxpayer.

Mr. Taylor stated that the City had worked with the taxpayer since the issuance of the assessment and the expiration of the appeal period to work out a payment plan for the payment of the taxes in question. He stated that the taxpayer had honored this agreement thus far, noting that this had been a little more than a month.

Mr. Taylor stated that they were requesting this suspension so that they could continue to enforce the terms of the agreement. He stated that, of course, the Department and the City were refrained from doing anything with regard to the assessment as long as the taxpayer continued to honor the agreement. He stated that they expected that the taxpayer would do this, but they were requesting this in order to help

them enforce the agreement.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution suspending licensure for Everlite Business, Inc., as follows:

(RESOLUTION NO. 14-482)

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

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

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

President Russell read and introduced a resolution to set a hearing for suspension of licensure for UTSAV LLC, at the July 24, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-483)

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

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

President Russell read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying on the south side of Knotty Walls Road and west of Old Big Cove Road as Residence 1-B District, at the August 28, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-484)

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

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

President Russell read and introduced Ordinance No. 14-485, zoning newly annexed property lying on the south side of Knotty Walls Road and west of Old Big Cove Road as Residence 1-B District.

Councilman Kling read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying on the east side of Old Big Cove Road and south of Miller Lane as Residence 1-A District, at the August 28, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-486)

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

President Russell called for the vote on the above

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

Councilman Kling read and introduced Ordinance No. 14-487, zoning newly annexed property lying on the east side of Old Big Cove Road and south of Miller Lane as Residence 1-A District.

President Russell read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying on the west side of Old Big Cove Road and north of Byrd Drive as Residence 1-B District, at the August 28, 2014, Regular, Council Meeting, as follows:

(RESOLUTION NO. 14-488)

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

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

President Russell read and introduced Ordinance No. 14-489, zoning newly annexed property lying on the west side of Old Big Cove Road and north of Byrd Drive as Residence 1-B District.

President Russell read and introduced a resolution to set a public hearing on an ordinance amending the approved Specific Function and Use Table for the permitted uses within the Lendon Planned Development, at the August 28, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-490)

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

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

President Russell read and introduced Ordinance No. 14-491, amending the approved Specific Function and Use Table for the permitted uses within the Lendon Planned Development.

President Russell stated that the next item on the agenda was Communications from the Public. He stated that the Council would discuss the Kildare fence under the Unfinished Business Items for Action on the agenda, item 13.a, Resolution No. 14-346, Substitute A, and stated that if persons who wished to speak concerning that matter would like to wait and speak at the time when the Council was considering this matter, that would be fine with him.

Mr. Kenneth Gipson, 2122 Gladstone Drive, appeared before the Council, stating that he was appearing on behalf of himself and approximately 1,000 retired employees of the City of Huntsville, many of whom were present at this meeting. He asked these persons to raise their hands.

Mr. Gipson stated that, as the Council was aware, the Legislature had passed an Act, 2014-429, allowing the State Retirement System to provide funding for a stipend for retired

employees in the State, City, County, and Public Utilities Department.

Mr. Gipson requested that the Council consider passing a resolution authorizing this money to be placed in the 2015-2016 budget. He continued that, according to the resolution, this would have to be acted upon on or before August 31, 2014. He stated that the resolution could be done at this time, and then be part of the budget process when the budget would be adopted. He stated that this could be paid to the State Retirement System over a two-year period, paid in a lump sum, or over a one-year period. He stated that this was based upon a formula of the number of years of service of an employee times \$24.

Mr. Gipson stated that this was an amount of approximately \$600,000 that would have to be paid by the City to the State Retirement System.

Mr. Gipson stated that the retirees had worked alongside many City officials and many present City employees to make the city as good as it was at this time, that they felt like they had done this in a professional manner, and they would expect a professional response from the City Council.

Mr. Gipson stated that they were aware that revenue was tight, but noted that it had been eight years since they had received any COLA from the State Retirement System and from the City. He continued that this had been eight years of continuous increase in monies they were out for the major things they had to spend on as senior citizens, being drugs,

utilities, gas, and groceries, noting that these things hit them the hardest. He continued that the City had recently passed a one-cent sales tax increase and that this was something else they had to pay, so that their money also went back into the City coffers.

Mr. Gipson stated that they were also aware that new businesses had come into the city since the prior COLA, and that they knew there was new business coming in in the next couple of years, which he noted would also put new tax money into the City's budget.

Mr. Gipson stated that the retirees respectfully requested that the Council pass a resolution concerning this matter, noting that they intended to keep them abreast of the deadline for this. He continued that they certainly hoped the Council would see fit to pass a resolution authorizing this money to be put in the 2015-2016 budget.

Councilman Culver thanked Mr. Gipson for his comments, noting that Mr. Gipson had worked with them for a number of years, and likewise for Mr. Dorning, who had been the Court Administrator at that time.

Councilman Culver stated that he was certainly always amenable to the City of Huntsville taking care of those people who took care of the residents in the city, noting that this included the current City employees as well as the retired employees.

Councilman Culver stated that he himself was a retired

employee. He continued that he felt confident that he could vote on this matter, or even sponsor a resolution in this regard, although he was a retired City employee. He stated that this, however, was not so much about him as it was for persons like Mr. Gipson and Mr. Dorning, and all the other persons who had dedicated their lives to the City of Huntsville. He stated that this was something he felt they should entertain and stated that he would solicit his colleagues on the Council to assist him with this.

Councilman Culver stated that he just wanted Mr. Gipson to know that his voice was not falling on deaf ears. He stated that he would have to check with the Ethics Commission on this matter, to make sure that he could do this, so that he did not get out of line.

Councilman Culver stated to Mr. Gipson that he appreciated his being present at the meeting and thanked him for his comments.

Councilman Kling stated that, somewhat similar to Councilman Culver, he felt there were some compelling arguments concerning this matter. He stated that they talked about how well the City was doing and the great job that previous groups of employees had done for the taxpayers, in laying the foundation for the great things the City had at this time. He stated that he realized they could be talking about the impact of \$300,000 on the budget, noting that this would be a priority for him, also.

Councilman Kling stated that there were persons who had perhaps retired 20 years prior, noting that a position that might pay \$35,000 per year at this time, that when a previous employee had retired from that same position, they were most likely making approximately \$20,000 a year. He continued that the retirement benefits for the retirees were based not on what the current salary was but what the job had paid when the employee had retired several years prior.

Councilman Kling stated that he felt this was a reasonable thing, since no adjustment had been made in the prior several years, that this was certainly something that he felt had merit. He continued that the City would not be giving them anything, that he felt it was simply a fairness issue. He stated that he would certainly support Councilman Culver's resolution on this, or whatever the action might be that would be needed.

Councilman Kling stated that he believed it would be helpful to spread this out over two years rather than trying to do it in one lump sum. He continued that he believed they could find a way to make this work. He stated that he believed the impact they were talking about would be approximately \$300,000 for each of the two years, and that he believed this was something they should definitely attempt to include in the budget.

Ms. Jackie Reed, 1000-A Bob Wallace Avenue, appeared before the Council, stating that she had lived in Huntsville

since 1958 and had been coming to City Hall for 30 years.

Ms. Reed expressed appreciation to all the citizens who cared and were involved in the City and to all the City employees for the great job they did, noting that they deserved a 4 percent raise. She continued that, also, the retirees needed their money. She stated that money was no problem in the City, that when they saw something they wanted with the big developers, they would go get it even if they had to borrow it. She stated that money should not be a problem when it came to doing what was right and stated that she would be holding their feet to the fire on this issue.

Ms. Reed stated that she was concerned about the Coke plant and stated that she believed this was on the agenda. She asked that if that was correct, that the matter be explained very thoroughly, noting that it had been bothering her for a long time. She asked what they wanted with this property, what they were going to do with it, and how much money it would cost, et cetera. She stated that she believed item 15.0 on the agenda, Resolution No. 14-512, pertained to the Coke plant.

Ms. Reed stated that they were putting out a Request for Proposal concerning the Holiday Inn property and stated that it concerned her that they wanted to go after the Aquatic Club, noting that this was used by persons and that children played ball there. She stated that they should just deal with the Holiday Inn and leave the rest of the property in that area alone. She asked that they please stop reaching and attempting

to take everything away from the center of the city. She asked that this message be conveyed to Mayor Battle since he was not present at the meeting.

Ms. Reed stated that on the prior Monday evening, she had been invited to a community meeting at Holiday Homes, a meeting that she had thought was open to the public. She stated that when she had arrived at this meeting, she had seen Councilman Kling and a woman outside the building, noting that this was at a church. She stated that she had asked them if this was where the meeting was, and that she had been told that the meeting was private, as well as would be the meeting in August. She stated that she had advised them that she got the message, that August 26 was the City election.

President Russell stated to Ms. Reed that her comments were inappropriate, that they were not going to talk about politics, that it was against State law.

Ms. Reed stated that she would comment further on this matter at the end of the meeting.

Ms. Reed asked why, if the City supported communities with money, these meeting were private. She continued that this community was being supported with Community Watch money, which she noted was City money. She asked that someone look into this, noting that she did not want the churches involved in politics, that they needed to start praying.

Councilman Kling stated that the meeting Ms. Reed had been referring to was a Holiday Homes Neighborhood Association

meeting and stated that they were having a closed meeting because they were going to have a vote on a sensitive neighborhood issue. He stated that they had asked him, as the Councilman for that area, to attend the meeting, and he was present for that reason. He stated that when Ms. Reed had shown up and had raised this issue, he had told the president of the association that just out of fairness, because it was the season, he would leave. He stated that he believed Ms. Reed could verify that he had left at the same time, or perhaps a little while before Ms. Reed, and had not attended the meeting, so that they could go on with their meeting.

Councilman Kling stated that the Holiday Homes Neighborhood Association did not receive any City funding, so they could do what they wanted to concerning their meetings. He reiterated that they had had a sensitive neighborhood issue to consider, and they just wanted the residents, among themselves, to discuss this. He reiterated that he had excused himself and left the meeting, even though he was supposed to give a report in his capacity as a City Council member.

Dr. Angela Sommerset, 9 Chalkstone Street, Providence, appeared before the Council, stating that she had lived in Providence for the past eight years. She stated that for the prior seven months, there had been significant problems in regard to the maintenance of common areas and also a home that was in a terrible state of repair and had been presented before the Council in May of 2014. She continued that she believed

the Director of Community Development could provide details on this. She stated that the house had been in that condition for three months. She continued that she had discovered that the HOA had not reported the condition of this home to the City. She stated that Community Development had come out to cut the grass when it was eight inches high. She stated that Animal Control had also been contacted because animals were discovered in the home.

Dr. Sommerset stated that there had been parking issues, non-compliance of the HOA with the rules and regulations as set forth within their CE&R, which she noted was "Covenants, Easements, and Restrictions."

Dr. Sommerset stated that there were security issues with a neighbor that had become confrontational with her, at which point the HOA and the police were notified because the neighbor felt that she should have unrestricted access to her privacy yard. She stated that the verbal response of the HOA to this was that this was a private matter, although the resident handbook stated otherwise. She continued that this neighbor had also cut shrubs and placed them on the grass between their properties without bagging them and had had unsightly trash cans outside of her fence.

Dr. Sommerset stated that she had pictures concerning what she had been stating, as well as documentation of the emails from the HOA. She stated that she also had surveys to represent her neighbors who were not present at the meeting and

that she also had neighbors who were present at the meeting at this time.

Dr. Sommerset stated that the HOA's response had not ever been immediate. She stated that this same neighbor had shutters on her home which were buckling and peeling, and that she had reported this to the HOA on January 19, 2014, and that as of this time, the shutters had not been repaired. She stated that she, unfortunately, had to look at these shutters each time she went on her back patio or in her yard. She stated that the cause of the failure of the HOA and the developers to rectify this problem was the simple fact that Jeremy Carter, the HOA President, who did not reside within their community, was this neighbor's accountant and the Slymans had built her home.

Dr. Sommerset stated that she had had a problem with a covenant member who had illegally cut her grass, which she noted had been discovered after the turf people had contacted her at her office. She continued that she had explained to them that she had just left the house 20 minutes prior. She stated that the turf people were coming out to do a chemical treatment which could not be applied because this covenant member had cut her grass. She stated that the way she had discovered this was by notifying the HOA, who had then sent out an email through the website, and that's how this person was discovered. She stated that this particular neighbor, who was also a covenant member, was reported by two female neighbors

taking pictures of her home. She continued that she was a physician who held a narcotics license. She stated that this was also reported to the HOA, after confirmation on her surveillance system, on June 2, between 10:48 a.m. and 10:53 a.m.

Dr. Sommerset stated that she had sent an email directly to the Village of Providence Covenant Committee, and that as of this date, she still had not received a response.

President Russell stated to Dr. Sommerset that her time was up and asked if she needed more time.

Dr. Sommerset answered in the affirmative.

Dr. Sommerset stated that she had also attempted to contact the Slymans by phone, and finally with a certified letter on July 2, and that as of this time, she still had not received a reply.

Dr. Sommerset stated that because of the HOA's failure to comply with the rules and regulations, including the Articles of Incorporation as well as the CE&R's, her hope was that the Village of Providence, which was 100 percent completed as Phase One, would be turned over to the residents of Providence so that they could nominate their own Board of Directors.

Dr. Sommerset stated that another thing that had added insult to injury was when she had discovered that the Council had recently nominated Todd Slyman to sit on the Metropolitan Advisory Committee for the Planning Commission of the City of Huntsville. She continued that he was a builder and a realtor,

as well as a developer, which she noted were multiple conflicts of interest.

Dr. Sommerset stated that she was also asking for the reversal of the nomination of Todd Slyman to this committee.

Dr. Sommerset stated that she had a volume of information, with pictures and anything the Council would need in this case, that she would be glad to pass out.

President Russell asked Ms. Stamper to get the submission from Dr. Sommerset.

(Submission from Dr. Sommerset)

Councilman Culver asked if Mr. Benion or someone from Community Development was present at the meeting. He asked also if there was a representative of Animal Services present.

Mr. Benion appeared at the microphone.

Councilman Culver asked Mr. Benion what had happened concerning the house in Providence that he had reported a month or so prior.

Mr. Benion stated that they had sent notices on that property. He continued that he was not sure of what the final dates were. He stated that the grass, of course, was a 14-day notice, but that improvements to the property could be up to 90 days or more if an extension were requested.

Councilman Culver asked if Dr. Karen Sheppard, Director of Animal Services, or a representative was present.

Councilman Culver was advised by Mr. Hamilton that he was not aware if Dr. Sheppard was present but that he could get

answers to him concerning this issue.

Councilman Culver stated that he believed there had been some animal abandoned on these premises.

Councilman Culver advised Dr. Sommerset that the City departments were working on that particular issue. He continued that if there was anything he could do to help concerning the Slymans, he would be happy to do so.

Councilman Culver asked if either Todd or David Slyman was present in the audience.

There was no response.

Councilman Culver reiterated that he would be more than happy to get in touch with the Slymans and make them aware of the concerns Dr. Sommerset had expressed. He stated that, hopefully, at some point in time they could all sit down and discuss the situation.

Councilman Culver stated that he believed Dr. Sommerset had a question for him and asked President Russell if he would allow her to speak.

President Russell recognized Dr. Sommerset.

Dr. Sommerset stated that she would be quite frank. She asked if, as a physician, she put a band-aid on an abscess, what they thought would happen. She stated that she had talked to the Slymans. She stated that she hated to even bring this up, but stated that on the prior evening at approximately 9 p.m., she was coming home and had seen Todd Slyman walking between Grille 29 and a restaurant, and that an hour before she

came to this meeting, Todd Slyman had tried to call and leave a message. She continued that she had had a covenant member send her a text message, trying to prevent her from coming to this meeting. She stated that she was tired of this. She continued that she had had to take time from seeing her patients to create volumes of information and come before the Council in terms of a conflict of interest. She stated that if it was a State Board or a hospital, this would not have happened.

Dr. Sommerset stated that she worked hard on her property, that she cut her grass, maintained her home, cleaned her home, and washed her cars. She stated that her neighbors who were present at this meeting could tell them that she kept meticulous property. She continued that no one had given this covenant neighbor the right to do what had been done.

President Russell stated that he was not certain what the point was to Dr. Sommerset's comments.

Dr. Sommerset stated that the point was it was a conflict of interest with the Council nominating Todd Slyman to sit on an advisory committee so that he would know exactly where to plan and how to develop within the City of Huntsville.

Dr. Sommerset stated that she was present at the Council so that, hopefully, they could all understand about passing legislation to control HOA's. She stated that this was the exact reason why, because people put band-aids on situations.

Councilman Culver stated that they were dealing with several things and he was trying to help mediate these things,

within his duties as a Council representative.

Councilman Culver stated to Dr. Sommerset that he was certainly going to do his best to make sure that she was comfortable in her home.

Ms. Helen Sockwell, 2100 Sockwell Drive, appeared before the Council, stating that she wanted to talk about the coyotes. She continued that at the prior Council meeting, she had noticed that someone had appeared before the Council talking about coyotes. She stated that she had just had the same conversation with someone from Animal Control because a coyote had gotten one of her animals. She stated that she had asked around, and that apparently Vector Control had previously picked up coyotes and done whatever they did with them. She continued that sometimes during Mayor Spencer's administration, this had stopped. She stated that she did not know exactly what Vector Control was, noting that she could not find it under the City Administration.

Ms. Sockwell stated that she had noticed that Animal Control had a budget of \$1.75 million. She stated that counting the \$50,000 it took to take care of the animals themselves, she was thinking that somewhere in that budget there would be enough room to get rid of the coyotes. She stated that she had been told that citizens could get a cage and catch coyotes and bring them to Animal Control, but noted that this was kind of dangerous for just regular people to do. She stated that she had checked on the cages and that they were

approximately \$160 at a local store. She asked that the Council look into this matter.

Ms. Sockwell stated that the first time she had been aware of the danger of coyotes, there had been an Auburn professor that prior to 2007 had been attacked by one. She stated that, of course, if this were true, they would know that they could attack children. She continued that they had certainly taken off animals all over her neighborhood.

Ms. Sockwell stated that she just wanted to ask the Council to continue to try to find money to do something about this.

Mr. Hamilton stated that the City would take on the issue and stated that he would ask that the public not attempt to capture coyotes and bring them to Animal Control, noting that that would not be a safe course of action.

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

President Russell read and introduced a resolution to reappoint David Little to the Huntsville Police Citizens Advisory Council, for a term to expire July 8, 2016, as follows:

(RESOLUTION NO. 14-492)

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

President Russell called for the vote on the above

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

Councilman Kling read and introduced a resolution to appoint Pam Cobb to the Huntsville Police Citizens Advisory Council, for a term to expire June 22, 2016, as follows:

(RESOLUTION NO. 14-493)

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

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

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

Councilman Kling nominated Joyce Griffin for reappointment to the Museum Board of the City of Huntsville, for a term to expire August 14, 2020.

Councilman Kling nominated Betty Schonrock for reappointment to the Von Braun Center Board of Control, for a term to expire August 27, 2018.

President Russell nominated David Nast for reappointment to the Museum Board of the City of Huntsville, for a term to expire August 14, 2020.

President Russell asked if there were any other nominations.

There was no response.

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

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

(RESOLUTION NO. 14-493A)

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

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

President Russell asked Councilman Kling if he had a Finance Committee Report.

Councilman Kling replied in the negative.

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

Councilman Kling stated that perhaps they could just clear the record, noting that there was a rumor afloat. He asked Mr. Hamilton to correct him if he was incorrect, but stated that the City had no plans to build a \$750 million sportsplex complex in the middle of Big Spring Park.

Mr. Hamilton stated that that was correct, noting that they had had a number of calls from concerned citizens about this matter because there was a website that published fake news articles, noting that he believed their intent was to be humorous. He continued that they had published an article

claiming that there was a major league baseball stadium, costing approximately \$750 million, to be built in Big Spring Park. He stated that this was completely a hoax, intended to be humorous, but that, unfortunately, it had spread like wildfire across Facebook and other places. He stated that anyone who had seen this should understand that it was intended to be humorous by the organization that had published the article.

Councilman Kling stated that he and Councilman Culver had looked at all the financial information, serving on the Finance Committee, and they certainly had not seen anything about a \$750 million line item. He stated that he believed they could put that matter to rest.

Councilman Kling stated that he would like to thank the persons at American Legion 237, 176, and the Fraternal Order of Eagles, noting that he had certainly enjoyed their 4th of July barbecue and the great hospitality. He stated that it was great to get out and that he was glad they could take a few minutes to think about the fireworks, the barbecue, and the baseball games, but, also, to acknowledge freedom, which was what the 4th of July was all about.

President Russell stated that two special members of the community had passed away recently. He continued that one of these was Jack Harbarger, whom he noted was 88 years old and had lived a great life. He stated that Mr. Harbarger had actually witnessed the Marines raise the flag at Iwo Jima. He

stated further that earlier in the day, there had been the funeral service for Albert McDonald, noting that he was a fine man, a State Senator who had represented the area very well. He continued that Mr. McDonald had also served on the Agricultural Commission and was a true public servant.

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

President Russell moved for approval of Resolution No. 14-346, Substitute A, revoking that certain license agreement between the City of Huntsville and Dwight Wright, approved by Resolution No. 13-568 on July 25, 2013, which Resolution No. 14-346 was introduced at the May 8, 2014, Regular Council meeting, postponed at the May 8, 2014, Regular Council Meeting, postponed at the May 22, 2014, Regular Council Meeting, and postponed at the June 26, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-346, SUBSTITUTE A)

Said motion was duly seconded by Councilman Olshefski.

President Russell asked Mr. Joffrion for an explanation of Substitute A.

Mr. Joffrion stated that he had requested several continuances of this resolution in an effort to work out an agreement with Mr. Wright regarding an amended license agreement, with a reduced size fence. He continued that these negotiations had come to an end earlier in the day when he had been notified by Mr. Wright's attorney that Mr. Wright was not

willing to accept the limitations imposed by the City.

Mr. Joffrion stated that the resolution authorizing the revocation had been amended to give Mr. Wright more time within which to remove the fence. He stated that the original resolution had allowed only 14 days, and that the amended resolution would allow 60 days for removal.

President Russell stated that, as had been mentioned earlier, the Council would take public comment at this time from those persons who had signed up to speak.

President Russell recognized Mr. Dwight Wright.

Mr. Wright asked that his attorney, Mr. Julian Butler, be permitted to speak first.

President Russell recognized Mr. Butler.

Mr. Julian Butler, 628 Owens Drive, appeared before the Council, stating that he represented Dwight Wright, the owner of the property known as the "Kildare House" or "O'Shaughnessy Place" or "McCormick Place," or whatever. He continued that he believed the Council was familiar with this property.

Mr. Butler stated that one year prior, the Council had granted a license to Mr. Wright to build a fence in the City right-of-way. He stated that he had not been a part of those negotiations and that nothing he would say would be meant to reflect on those persons who were a part of that. He stated that, unfortunately, there were two big problems with the license, which was what the Council was being asked to revoke

at this time. He stated that one problem was that there were absolutely no specifications with regard to the fence, that there was no description of the kind of fence that was to be built, there was no limitation on height or width, material, or what it would look like, etc.

Mr. Butler stated that in the resolution before the Council and in the discussions, there had been a lot of discussion about what was represented, and there was a lot of disagreement as to what the discussion had been. He continued that at no time was Mr. Wright ever told, "You must do this," "You cannot do this," "You must build it this way," or "It must conform to something."

Mr. Butler stated that the second unfortunate thing in the agreement was that it was revokable at will. He continued that this was that the City could revoke the license at any time, for good cause, no cause, bad cause, or whatever else. He continued that this left Mr. Wright in the position that he had absolutely no security of any kind after investing an awfully lot of money in building the fence.

Mr. Butler stated that for the prior approximately six months, they had been involved in negotiations with the City. He continued that Mr. Joffrion had been very accommodating to him and had been available, but that, unfortunately, only Mr. Joffrion was available. He stated that they had asked, but they were never able to sit down at a table with all of the decision-makers in regard to the fence. He

stated that they had asked to do so, and that he had repeatedly been told when proposals were made to Mr. Joffrion, "I will have to check with the decision-makers." He continued that they were never allowed to meet in a meeting and have a give and take with the decision-makers.

Mr. Butler stated that one of the types of problems they had faced in this negotiation was that two years prior, a year before the subject agreement was entered into, Mr. Wright had placed in the right-of-way some hard stones, to keep people from driving into his yard, driving into the shrubbery, driving into the berm where the shrubbery was. He continued that a year prior when the subject agreement had been entered into, these large stones were never mentioned, and that in the discussions that had gone on since the prior December or January, the stones were never mentioned. He continued that, however, when he had received a draft of the proposed agreement on the prior morning, one of the provisions of the draft was that these stones had to be removed. He stated that this was the first time Mr. Wright or he had ever heard of this, reiterating that the stones had been there for two years. He stated that that was another one of just the omissions from this license agreement.

Mr. Butler stated that when the Council was first confronted with this issue, what they had been told and had heard was that the issue was liability, that the City would be liable if someone drove into the fence or the fence fell over

and hit someone. He stated that that had been the primary issue presented to the Council.

Mr. Butler stated that Mr. Wright had countered on this that he would indemnify the City and hold them harmless, and he would back that up by adding the City as an additional insured to a one-half-million-dollar liability insurance policy, so that if anything were to happen with the fence and the City were to get sued, Mr. Wright's insurance carrier would have to defend the City and pay any judgment against the City, up to one-half million dollars.

Mr. Butler stated that then they had been told the height of the fence was the problem, and they had reached an agreement that Mr. Wright would lower the fence to eight feet. He continued that the purpose of the fence was to keep out primarily young people who were coming in the middle of the night and throwing beer cans and rocks. He continued that it would not keep these persons from yelling, but that it would at least keep them from doing things that would destroy the house.

Mr. Butler stated that they had reached an agreement with regard to the eight-foot height of the fence. He continued that he had thought they were almost there, but the one thing that they kept being told was this "revocable at will," that any time three members of the Council wanted to cancel this agreement, Mr. Wright would have to tear down the fence.

Mr. Butler stated that they had made a proposal that the City give Mr. Wright three years where the City could not

revoke this agreement. He continued that he did not believe there were any plans the City had to widen Kildare within the upcoming three years, that he did not believe that right-of-way was a problem. He stated that they had also said that in an emergency situation, the City would have a right to revoke. He continued that they had then asked for seven additional years where it would be revocable by the City Council "for good cause shown," which he noted was a phrase that was very frequently used in contracts and leases. He stated that this meant that this could not be done on a whim, noting that he did not believe any of the sitting Council members would do this, but noted that they might not always be serving on the Council. He continued that any time three members of the Council wanted to, they could revoke the license, and Mr. Wright would have to tear down a very expensive fence.

Mr. Butler stated they were forgetting in all this discussion that this was a very valuable, historic property, that it was an asset to the city of Huntsville. He stated that he believed Mr. Wright had made available to the Council an opinion by a person with the State Historical Commission that this was one of the most valuable houses of its type in the state of Alabama.

Mr. Butler stated that this house was up for foreclosure at the time Mr. Wright had purchased it. He continued that Mr. Wright wanted to preserve the house, that he hoped to have the money over time to invest to bring it back to its real

glory. He stated that adding this fence was essential to this.

Mr. Butler stated that what really broke down the negotiations was that Mr. Wright could not live with the fact he was being asked to invest a lot of money in constructing the fence and moving the water meters which had been discussed earlier out of the right-of-way. He continued that these water meters were the water meters of his next-door neighbor but were in the right-of-way of Mr. Wright's house.

Mr. Butler stated that the major thing they were asking the Council at this time was to not pass the resolution on the floor, to not cancel the license and say, "You have got to get the fence down." He stated that what they would like was, (1), For the Council to say, "Let's leave the rocks there." He stated that he did not intend to be ugly about this, but noted that if one drove through the City, they would see lawns where there were not curbs and gutters, and that all over the city persons had placed rocks in the right-of-way to keep persons from driving into their yards, into their shrubs, or into their fence.

Mr. Butler stated that, (2), they would like for the Council to say that this license was not revocable at will, that there would be a period of time that it would be irrevocable, noting that they would like three years on this, and then a period of time where it would be revocable only for good cause.

Mr. Butler stated that they would even accept that there

would not be the three years, but for seven years, ten years, or whatever, it would be revocable only for cause, that if City department heads came before the Council and said, for example, "The fence is in awful shape," or whatever, and the Council had a reason to do this, then it would be a reason to revoke. He continued that as it was, Mr. Wright would not know every morning when he woke up if somebody was going to say, "Okay, we are going to the City Council and tell them that just because we want the fence down, to take it down."

Mr. Butler stated that he was aware that the Council was tired of this issue, that it had been before them a lot, although this was the first time he had appeared before the Council.

Mr. Butler stated that he was really pleading with the Council on this matter, noting that this house was a valuable asset to the city. He asked that they preserve it. He requested that they not make Mr. Wright move his rocks, and, most of all, to instruct the City Attorney to go forward with negotiations with them. He stated that they would make it an eight-foot fence, that they would deliver to Mr. Joffrion what he had been asking for, a detailed description of the fence, to be included in the license. He stated that all they wanted was that this could not be revoked except for good cause. He continued that he believed this was a very reasonable request.

Mr. Dwight Wright, 2005 Kildare Street, appeared before the Council, stating that he wished to also address them

concerning the resolution that was before the Council. He stated that he had hoped the negotiations they had been having would have made it unnecessary for him to address the Council at this time, that they would just be voting on the modifications. He continued that, as Mr. Butler had stated, they had not been able to reach an agreement.

Mr. Wright stated that he wanted to address the resolution that was actually before the Council at this time. He stated that if the legal words were removed from the resolution, what would be left would be a statement that would say, "I, Dwight Wright, lied to you." He continued that to say that he misled or misrepresented was saying that he lied to the City. He stated that he felt that was an extremely strong accusation. He stated that if the Council members voted to approve this resolution at this time, they were all agreeing that they believed he purposely lied to them about this matter. He stated that he would hope that when they made that public declaration, they would consider what evidence they personally had that this was true. He asked when he had lied and what lie had been told.

Mr. Wright stated that the previous resolution had not set out in any way what type of fence was being approved, that it stated that it would be in keeping with the architectural style or period of the adjoining houses in the neighborhood. He inquired as to which one it would be, if the fence should be intended to match the 1960 ranchers or the Impression Era

bungalows that surrounded it.

Mr. Wright stated that rather than saying they wanted to revoke this license because he had lied to them, that possibly they should say they wanted to revoke the license because they did not bother to find out what type fence he had in mind before they gave him permission to build it. He stated that once he had spent the money on the fence, they had decided they had made a mistake about having absolutely no language in the license about the fence. He asked if the problem was that he lied to the City or that the City did not do due diligence.

Mr. Wright stated that, as Mr. Butler had pointed out, they had worked with the attorney trying to reach a compromise that would work for everyone, but that the concessions always seemed to go in one direction. He continued that he had agreed to a fence that would not have fully provided adequate protection, and that many of the other terms he had not agreed with, but that the final straw had come on the previous day, when he finally got a draft of the modifications, and there were new conditions that had never been discussed.

Mr. Wright stated that he would like for the Council to advise him as to what exactly it was that he had done wrong. He continued that the fence was built with their permission. He asked if the City had concerns about this, why they had ever granted the license, why they had not included any specifications in the license. He asked why he was allowed to spend this money. He asked further if the Council members

believed this was the right thing to do, if they thought this was the way to treat citizens.

Mr. Wright stated that he wanted it to be clear that the Council's vote at this time would not be just about the removal of the fence and it was not just about publicly calling him a liar, that they would be determining the fate of Kildare Mansion.

Mr. Wright stated that he was convinced, and always had been convinced, that the restoration of Kildare Mansion would have a huge positive impact on North Huntsville. He stated that it had often been reported that there were no new developments in that part of town and that this was the opportunity to have that. He stated that at this time the Council would be determining if this house survived, if it was worth protecting, and if they wanted the potential for something great to happen in North Huntsville.

Ms. Delila VanLandingham, 2005 Kildare Street, appeared before the Council, stating that she had moved into the Kildare Mansion in late November 2007, excited to begin what she thought would be her life's work, to save and restore this historical treasure and someday open it to the public. She continued that the main floor would be available for parties and celebrations of all sorts, the second floor would have four of the most luxurious hotel suites in the state of Alabama, and there would be perhaps a private membership supper club, with soft music and dancing; and she would maintain a private

residence and offices on the top floor. She continued that Kildare would once again come alive with all the grace and grandeur of the Gilded Age, in which it was built. She continued that this would be quite a jewel for North Huntsville.

Ms. VanLandingham stated that she had had no idea that this dream would become a six- almost seven-year nightmare, starting with a knock on the front door less than two weeks after she had moved in. She stated that a man had introduced himself as Ron Deermer, the owner of the three duplex apartment buildings next door to the Mansion. She continued that his concern was his first building, closest to Kildare Street, and that he had stated it was built on a slab back in the 1960's and that it sat a mere three to four feet from the property line, and if anything happened to it, it would cost twice as much to rebuilt it on a new slab, to be in accordance with current setback rules and regulations, rather than building on the original slab. She stated that, therefore, he had asked her to sign a quitclaim deed for approximately one-tenth of an acre of the Kildare Mansion's yard, saying that he, in fact, owned this property, which she noted included the servants' quarters to Kildare Mansion. She continued that he had stated that her surveys were ambiguous and her signature would clear up this matter.

Ms. VanLandingham stated that she had advised Mr. Deermer if he had a claim, he would have to contact Mr. Wright's

attorney, that she was not going to sign anything. She stated that he had become agitated, saying that he was not going to pay for an attorney, that he would just make her life difficult until she signed. She stated that, naturally, she thought this man was insane, and she had asked him to leave her home. She continued that, however, true to his words, he had, in fact, caused a great deal of trouble and torment for almost seven years.

Ms. VanLandingham stated that she realized this must sound strange to a lot of people, but noted that much of it was on videotape, and that many persons had seen this man in action. She stated that what she and many of her neighbors did not understand was why this Administration had chosen to aid and abet this man, free of charge, in his effort to extort property that he did not own and to bully them with the weight and power of their office.

Ms. VanLandingham stated that she would caution the Council at this time not to, by their vote, become an unwitting accomplice to some of these curious decisions coming from City Hall until they got the truth about what was really going on in this matter, noting that there was a lot they were not being told.

Ms. VanLandingham stated that they were eager to work with the media and to launch a website at [www.kildaremansion.com](http://www.kildaremansion.com), so everything could be laid out for public inspection. She continued that they would let the public decide what was what

and who was really who. She stated that this was a mess not of their making, that they did not draft the license. She stated that the only way to clean this up was for this Administration to step back and deal with them openly, honestly, fairly, and in good faith.

Ms. VanLandingham thanked the Council for their time.

Ms. Mandie Hodges, 113 Barrell Avenue, appeared before the Council, stating that she had previously lived at 2006 Kildare Street, directly across the street from the Kildare Mansion. She stated that everyone kept talking about security, noting that she had brought this matter up to the Council previously. She stated that she had a picture she would like for the Council members to see before she continued her comments.

(Submission by Ms. Hodges.)

Ms. Hodges stated that when she had previously spoken to the Council, she had talked about the reason she had moved from Kildare Street, being for the safety of her children. She stated that the fence under discussion was not just for the safety of the homeowners, that it was for the safety of all the residents in the area. She stated that the pictures she had submitted to the Council had been taken when she lived on Kildare, and that was how old her children were. She stated that her children had heard malicious things, that they had seen terrible things. She stated that her four-year-old had been awakened at 2 o'clock in the morning, with people yelling at them. She continued that at the time she was outside with

the homeowner, attempting to keep their neighborhood safe. She stated that this concerned not only the Kildare Mansion but the neighborhood, what had once been her neighborhood. She reiterated that she had had to move out of that neighborhood for the safety of her children.

Ms. Hodges stated that the little girl in the top photograph, on the left-hand side, had been almost hit by a car one day in the middle of the afternoon, after school, because the driver of the car was staring at the Kildare Mansion and not paying attention to her yard. She stated that persons did not look at the house across the street, they did not look down the street, that they did not pay attention to anything but the Mansion. She stated that her daughter could have been hurt very severely. She continued that she was outside with her, and that she was seven years old when this had happened. She stated that her children could not play outside.

Ms. Hodges stated that she did not do anything to cause this situation, and her children did not do anything to cause it, and the neighbors did not do anything to cause it. She stated that safety for everyone would be to put up this fence. She continued that that would not stop the yelling, but that it would stop people from throwing things at the people outside. She stated that she had had half bottles of Gatorade thrown at her and Dwight at the same time, and that she had also had apples thrown at her. She stated that she had been trying to keep her neighborhood safe, and she was doing her job, as a

mother, to try to keep her daughters safe. She stated that the only way she could do this was by moving. She stated that her daughters were 11 and 8 at this time, and that they did not have to worry about this situation anymore because she had had the ability to move.

Ms. Hodges stated that if this fence were erected, any other neighbors that moved into the home across the street, which she noted was a beautiful home with a wonderful yard for little kids to play in, would not have to worry if their children could go outside and play or if they might get hit by a car. She stated that her children had not even been able to go to her mailbox because persons would stop in her yard, they would cut through her yard, and her children could not play outside because the people who were driving by and yelling would not look at her house, they would look at the Kildare Mansion.

Ms. Dee Johnson, 2108 Kildare Street, appeared before the Council, stating that she had lived at that location for 17 years. She thanked the Council for the opportunity to be able, as citizens, to express repeatedly their desire as a community for wanting this fence under discussion and the need for the fence. She stated that this was the fifth City Council meeting she had attended in order to support Mr. Wright in this fence situation. She stated that, as she had mentioned previously, there had been instances on Community Watch where she had had to run people off, that they were going into the

yards.

Ms. Johnson stated, concerning the rocks, that it had been stated that there could be a danger involved with them. She stated that she could not understand how the rocks could be any more dangerous than the ones in the two-lane roundabout in the Five Points area.

Ms. Johnson stated that in the 17 years she had lived on Kildare, she had seen previous owners do nothing to beautify the area, to restore this mansion, and do something for the community. She continued that no one other than Mr. Wright had tried to restore it.

Ms. Johnson stated that approximately 50 neighbors, including herself, had signed a petition supporting this fence. She stated that persons could go to other places in the city and see fences higher than eight feet, and that was acceptable, where in this situation, trying to protect someone's privacy, protect their home, it was causing issues, and they were repeatedly having to come before the Council.

Ms. Johnson asked the Council to please do what was right for not just Mr. Wright but for the community, for the street. She stated that they wanted to live in peace, that they did not want persons speeding up and down the street, persons that were just there to be a nuisance.

Ms. Johnson thanked the Council for their time.

Ms. Peggy Parker, 2307 Kildare Street, appeared before the Council, stating that she had been before the Council

previously talking about the fence, noting that this issue had been going on too long. She stated that she was born in Huntsville and had been raised in Huntsville, that this was her home. She continued that she had worked at Huntsville Hospital for 35 years and was born at Huntsville Hospital. She noted that she was saying all this to say that Huntsville meant a lot to her, her home meant a lot to her, and she wanted to see Huntsville grow, that she wanted to see it better. She stated that her neighborhood had come down, and that a lot of the reason for this was because persons had not kept it up.

Ms. Parker stated that Mr. Wright was trying to make the neighborhood better, that the fence was not going to be an unsightly thing, that it would really be a work of art if he were to be allowed to build it. She stated that one reason for the fence was the privacy issue, but that another one was that she believed it would help their neighborhood. She stated that their Community Watch mainly consisted of watching the Kildare Mansion, because that was mainly where the trouble was. She stated that they did not live in a bad neighborhood, that they just wanted to make it better.

Ms. Parker stated that this issue needed to be settled, that it had been going on too long. She stated that the persons who were complaining about the fence did not even live in the neighborhood. She stated that it was their home, and that they wanted to make it better. She continued that to have the fence torn down would make it unsightly in that area. She

stated that it just needed to be built.

President Russell asked if there was anyone else in the audience who would like to speak concerning this matter.

There was no response.

Councilman Kling stated that he had a couple of questions. He stated that if it appeared he was kind of going back to Square One, it was because he had had no briefing, no contact, no discussion of this matter, pretty much since the whole issue had been going on, over the prior several weeks. He stated that he had been aware that there were some negotiations taking place concerning this issue.

Councilman Kling asked Mr. Joffrion to explain the issue concerning the fence, about it being on the City right-of-way and what the entire issue was. He asked why this matter was before the Council at this time, why the issue had been coming up over the prior several weeks. He asked if this was on private property or on City property.

Mr. Joffrion stated that it was on the City right-of-way.

Mr. Joffrion stated that he would first like to say that it was a shame this matter had become so intensely personal and the integrity of City officials had been impugned. He stated to Mr. Butler that he was disappointed in the way this had been handled at this meeting, in light of their conversation earlier in the day.

Mr. Joffrion stated that this was within the City's right-of-way, that the property owners at no time had been

prevented from building a fence on their own property of whatever dimension and size they wanted to, that this had never been an issue, that it had always been available to them. He stated that they were making it sound as if it was the City's fault that there might be a demise of their property.

Councilman Kling asked if it was correct that if this fence would be turned down, he could move it back a little and do the same fence design.

Mr. Joffrion stated that Mr. Wright could do this if he chose to do so. He continued that Mr. Wright was not being prevented from even building a fence in the location it was at this time, that they were trying to reach an agreement on a reduced-size fence, and that Mr. Wright had chosen to break off negotiations.

Mr. Joffrion stated that Mr. Butler had made reference to several new issues, noting that the only new issue that had been brought up were the boulders in front, which he stated could hardly have been a deal breaker and a deciding factor, and might very well have been something that could have been worked out. He stated that Mr. Wright had never submitted any specifications for the fence, as requested, which was one of the reasons the City had been attempting to reach a well-negotiated agreement so that they would not have this problem again.

Mr. Joffrion stated that boulders were a new issue, but they were not being prevented from erecting a fence in the

right-of-way, that they were headed toward an agreement whereby they would have been allowed to build such a fence.

Councilman Kling asked if the Council had the authority to rescind what had previously been granted in this matter.

Mr. Joffrion replied in the affirmative.

Councilman Kling stated that he had been kind of a bystander concerning this issue, but stated that approximately two-and-a-half months prior he had contacted Mr. Wright, and that in an effort to reach some sort of compromise, he had raised the issue of reducing the height of the fence to seven feet. He continued that this was turned down by Mr. Wright.

Councilman Kling stated that unless he heard something different, his inclination would be to support the City Attorney's recommendation, since this matter had been through such a long process, of several weeks.

Councilman Culver stated that he would assume that Mr. Wright probably should have had Mr. Butler or someone of his caliber represent him from the inception of this matter.

Councilman Culver stated that a concern to him in this matter, which had been pointed out in one of the meetings, was the City's liability pertaining to this issue. He stated that they all dealt with lawsuits on a regular basis, and that nothing was more difficult than having to give taxpayers' money to settle cases. He stated that, however, he was hearing something different at this meeting, being the insurance that

would bring the City in as being insured under Mr. Wright's policy that he was paying for, which he understood would be a maximum of \$500,000. He asked if that was correct.

Mr. Butler replied in the affirmative.

Councilman Culver stated that he had also heard that the parties were very close in terms of the negotiations on this matter. He stated that he was aware that this had been ongoing for several months, and that they certainly needed to do something concerning this. He continued that, however, if they were not at an irreconcilable difference, he certainly wished there would be a way that they could continue with negotiations, if it would be remotely possible. He continued that this would require the cooperation and participation of the City and Mr. Butler and Mr. Wright. He stated to Mr. Joffrion that he was not aware of how he might feel about this, but noted that he would like to use the phrase, "Measure 10 times and cut once," prior to having Mr. Wright remove the fence.

Councilman Culver stated that he had driven by the location, and that the fence did not look that great in its present condition, but stated that he recalled that Mr. Wright had said it would look great when it was completed.

Councilman Culver stated that if this were to be something they felt they could work with, he would certainly be open to moving to table the matter until further negotiation attempts could be made.

Mr. Joffrion asked if he could respond briefly to Councilman Culver.

President Russell replied in the affirmative.

Mr. Joffrion stated that he really did not want to get into the habit of negotiating agreements in an open Council meeting, noting that that would be pretty unusual.

Mr. Joffrion stated that most likely the greatest single issue for Mr. Wright was the issue of revocability of the license agreement, which he noted might make them not very close on this matter, that it might make the parties much further apart than it appeared. He stated that Mr. Wright wanted the license agreement to be totally irrevocable for a period of three years, and then revocable only for cause for an additional seven years. He continued that this was just not acceptable. He stated that, however, the Council members were the decision-makers in this matter, that whatever three members of the Council wanted to do, they would do, and that if they wanted to change that, they could change it.

Mr. Joffrion stated that he would suggest that if the Council did not wish to revoke the license, that they take some other action, and then they could talk privately about this rather than negotiating it in an open Council meeting.

Councilman Culver stated that he did not intend to negotiate it at this time, in open Council, but for the City and Mr. Wright and his counsel to have continued dialogue on it at some future point, in an attempt to reach some type of

amicable agreement and understanding, if that would be remotely possible. He stated that he was aware that Mr. Joffrion and Mr. Butler were two very, very venerated attorneys in the city, with Mr. Joffrion having been the City Attorney of 20-plus years and Mr. Butler being the retired County Attorney of many years.

Councilman Kling stated that he would like to have President Russell's input on this matter, noting that it was a part of his district.

President Russell stated that he had been working on this for years, that he knew Mr. Wright very well and had discussed this matter with him. He stated that he had been pushing the City for years to do something to help Mr. Wright and the Kildare Mansion. He stated that in the beginning, most likely some persons had not wanted to help him, for many different reasons, and they had wanted him to build the fence on his own property, which was certainly how everyone else would have been treated. He continued that, however, because this was the Kildare Mansion, they had asked if Mr. Wright could work in the right-of-way, if he could make use of the property.

President Russell stated that there had been many, many discussions on this, and that the City, in his opinion, had bent over backwards to try to make this work. He stated that Mr. Wright could have accepted the agreement that had just been discussed and built the fence at eight feet. He stated that, also, Mr. Wright could move the fence back and build it at

whatever height he wanted to on his own property. He stated that Mr. Wright had not wanted to agree to the terms, noting that he believed the terms were fair, especially with where they were in the situation at this time because it had been going on for so long.

President Russell stated that that was his opinion. He continued that, as Mr. Joffrion had stated, if three of the Council members wanted to change the terms, they could certainly talk about it and work on it.

Councilman Kling asked how far back they would be talking about if Mr. Wright were to move the fence back onto his property.

Mr. Joffrion stated that it was not a parallel figure all the way across, that he believed it varied from 13 to 23 feet, according to the survey provided and attached to the license agreement. He stated that if he was incorrect about this, Mr. Wright could correct him.

President Russell reiterated that Mr. Wright could do what he wanted to do on his private property. He continued that he believed everyone on the Council and everyone in the city wanted the Kildare Mansion saved and preserved, but that the issue was what could be done on the City's right-of-way. He stated that, in his opinion, the negotiations had been very fair and very good, but the other party would just not accept the terms, so that they were in disagreement.

Councilman Kling asked for a one-minute recess so that he

could speak with President Russell and Mr. Joffrion.

President Russell replied in the negative, stating that anything he would talk about on this matter, he wanted it to be in public. He stated that, however, Councilman Kling would be welcome to talk to Mr. Joffrion.

Councilman Kling stated that his problem was that he had not had any counsel from the City Attorney, and yet he was being asked to make a decision on this. He stated that the matter had been carried over a few weeks prior, and he had not known what was going on. He continued that he had received a memo several weeks prior, but that he had had no idea until he was at this meeting as to what was going on from two weeks prior until this meeting. He stated that he was just trying to ask some questions and get some closure on this.

President Russell stated that he had fully expected to come to the meeting and not approve the resolution on the floor, that the parties would have come to an agreement, noting that that was what they had been hoping for.

Councilman Kling stated that he hesitated to ask his questions in public when he had legal issues.

President Russell stated that if Councilman Kling needed to ask something of Mr. Joffrion, he could certainly do so.

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

(Recess.)

President Russell reconvened the meeting.

President Russell asked if there was further discussion concerning the resolution on the floor. He asked Mr. Joffrion if it was correct that a vote in favor of the resolution would be to revoke the license, meaning that the fence would have to be taken down.

Mr. Joffrion replied in the affirmative.

President Russell asked if the Council did not vote in favor of the resolution, Mr. Wright could continue on under the agreement that was already in place.

Mr. Joffrion stated that work had been stopped on the fence. He continued that the Council had approved the license agreement a year prior, but that because of the way the fence was being constructed, work had been stopped.

President Russell stated that he just wanted to make sure the Council members were clear on this.

Councilman Culver stated that he certainly understood that, and that he would prefer to move forward with neither of those actions.

Councilman Culver stated that he would like to make a motion to table this matter, for further possible negotiations, noting that if they did not work, then they could come back and be prepared to make a decision.

President Russell suggested that rather than to table the matter, that Councilman Culver would move to postpone until the next Regular Council Meeting or a later Council meeting.

Councilman Culver asked if Mr. Joffrion could give them a

suggested time for continuance of this matter.

Mr. Joffrion stated that he would not be in attendance at the next Regular Meeting of the Council but he would be back for the first Regular Meeting of the Council in August.

Councilman Culver moved to postpone consideration of Resolution No. 14-346 until the Regular Meeting of the Council on August 14, 2014.

Said motion died for lack of a second.

Councilman Kling asked if it was correct that if the Council took action to approve the resolution on the floor, it would not prohibit the same designed fence from being constructed on Mr. Wright's property, noting that it would be 13 to 23 feet back onto the property.

Mr. Joffrion stated that it was correct that Mr. Wright could construct the fence on his private property.

Councilman Kling stated that normally when a Council member moved to carry an item over, that as a courtesy, the Council would usually go along with it. He continued that he wanted to make sure that everyone understood the history of this matter. He continued that the matter had come before the Council on May 8, 2014, and had been postponed, and then it had been postponed at the May 22 meeting, and then at the June 26 meeting, and that it was now before the Council. He stated that he felt this matter had been through a thorough process, and that was the reason he had not supported the motion to postpone.

Councilman Culver stated that he was aware that Mr. Joffrion and the other department heads in City government had worked tirelessly on this matter, but that even so, it appeared to him that they were very close to reaching some kind of an agreement. He stated that if the resolution were approved, Mr. Wright would have to remove that part of the fence that was on City right-of-way, and they could not go back and undo that. He stated that with his motion having failed, they would just have to move on the matter.

Councilman Kling stated that he had been considering what they might do on this matter, noting that he had come into this meeting not knowing what had taken place regarding this issue. He asked Mr. Joffrion how long Mr. Wright would have to remove the fence under this resolution.

Mr. Joffrion stated that it was 60 days.

Councilman Kling stated that that was a pretty good length of time. He asked if the Council passed the resolution before it, there would be anything that would prohibit the issue from coming back to the Council. He continued that if Mr. Wright were to approach the City Attorney, and they felt like they could work out another deal, if the issue could come back before the Council.

Mr. Joffrion replied in the affirmative.

Councilman Kling stated that this would mean if there was anything, Mr. Wright would be getting a gift. He reiterated that he had also tried to work this out with his proposal of a

seven-foot fence but had been turned down. He stated that if somewhere down the line a new agreement would come back, in two weeks, four weeks, or whenever, prior to the fence having been removed, and it would be agreeable with President Russell, whom he noted he was listening to because it was in his area, and Mr. Joffrion, that he could see where it could be open for something like that. He continued that, however, he felt this was remote, that it appeared there had been a lot done on this by the City, with not much coming from the other way.

President Russell stated to Councilman Kling that if the other party would have accepted the terms, the matter could have been fixed immediately, but they would not accept the terms. He continued that it was not really about the height of the fence, that there were other terms with which they were disagreeing.

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

Councilman Culver stated that he would abstain from voting on this resolution.

President Russell called for a roll-call vote on Resolution No. 14-346, and the following vote resulted:

AYES: Olshefski, Kling, Russell

ABSTAIN: Culver

ABSENT: Showers

President Russell stated that the resolution had passed.

President Russell stated that the next item on the agenda

was New Business Items for Introduction.

President Russell read and introduced Ordinance No. 14-494, annexing land lying on the east side of Mooresville Road and on the north side of Huntsville Browns Ferry Road.

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

President Russell read and introduced a resolution authorizing the Mayor to enter into Amendment No. 3 to the Agreement between the City of Huntsville and Rimini Street, Inc., for PeopleSoft Support Services, as follows:

(RESOLUTION NO. 14-495)

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

President Russell read and introduced a resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by Western Surety Company, as follows:

(RESOLUTION NO. 14-496)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Regions Bank Letter of Credit No. 55106102 for Cedar Park at Bell Grove Subdivision, as follows:

(RESOLUTION NO. 14-497)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Servis1st Bank Letter of Credit No. 19105 for Big Cove Commons Subdivision, as follows:

(RESOLUTION NO. 14-498)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Servis1st Bank Letter of Credit No. 19106 for Big Cove Commons Subdivision, as follows:

(RESOLUTION NO. 14-499)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Media Fusion, Inc., for the filming of a Huntsville Fire & Rescue Training Exercise, as follows:

(RESOLUTION NO. 14-500)

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

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc., for Weatherly Road Extension (aka Haysland Road), Project No. 65-140-RD01, as follows:

(RESOLUTION NO. 14-501)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with APAC Mid-South, Inc., for South Memorial Parkway Access Improvements, Project No. 65-13-TI02, by Change Order No. 1, as follows:

(RESOLUTION NO. 14-502)

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

President Russell moved for approval of a request to advertise and fill position of Engineering Technician, Pay Grade 15, and to fill at steps higher than minimum within the pay grade if necessary, which motion was duly seconded by Councilman Kling, and was unanimously approved by the Council members present.

President Russell read and introduced a resolution

authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for Grading and/or Landscaping on Right-of-Way, at Highway 72 West and East Watercross Boulevard, Project No. 65-14-SP40, as follows:

(RESOLUTION NO. 14-503)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Design Services for Ditto Landing Improvements, Project No. 65-14-SP39, as follows:

(RESOLUTION NO. 14-504)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 13-630 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 14-505)

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

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

(RESOLUTION NO. 14-506)

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

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

(RESOLUTION NO. 14-507)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a contract with Family Services, Inc., to build two houses with HOME Investment Partnership Grant Funds, as follows:

(RESOLUTION NO. 14-508)

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

President Russell read and introduced a resolution authorizing the Mayor to apply for and execute an FY 2015 and FY 2016 EPA Air Program Grant, in an amount up to \$300,000 in federal funding, to support the City's Air Pollution Control Program, as follows:

(RESOLUTION NO. 14-509)

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

and was unanimously adopted by the Council members present.

President Russell moved for approval of a request for authorization to advertise and fill four (4) General Services Facilities Workers positions and to fill at a higher rate than minimum salary if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved by the Council members present.

Councilman Kling read and introduced a resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for a Special Permit Agreement for Installation of Utilities on Highway Right-of-Way, at US 72 West and East Watercress Boulevard, Project No. 65-14-SP41, as follows:

(RESOLUTION NO. 14-510)

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

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

Ms. Martin stated that this was an agreement between the City and the Alabama Department of Transportation for the City to relocate utilities and modify the existing turn signal at US 72 West and Watercress Boulevard. She continued that there were no City funds involved.

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

There was no response.

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for a Special Agreement for Installation of Drainage Structures on Highway Right-of-Way, at US Highway 72 West and East Watercress Boulevard, Project No. 65-14-SP42, as follows:

(RESOLUTION NO. 14-511)

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

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

Ms. Martin stated that this was also an agreement with the Alabama Department of Transportation, for the same site as the previous resolution. She continued that they were having to add new drainage infrastructure to accommodate the new turn lane. She stated that it would be at no cost to the City and would allow them to do the improvements.

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

There was no response.

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

members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Walter Schoel Engineering Company, Inc., for Engineering Consulting Services for Investigation of Public Infrastructure for Redevelopment in the area of Clinton Avenue, Monroe Street, and Pollard Avenue, Project No. 65-14-SP45, as follows:

(RESOLUTION NO. 14-512)

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

President Russell asked Mr. Shane Davis, Director of Urban Development, to explain the above resolution and provide the cost involved.

Mr. Davis stated that the cost was \$79,560, and that the purpose was to investigate the public infrastructure along Holmes Avenue, Clinton Avenue, and Monroe Street. He stated that, as the Council members were aware, the former Coca Cola Bottling Plant was being torn down and the property was being put out for sale to the private market. He stated that as the City was approaching the budget plan for 2015, they wanted to have a good handle on the redevelopment cost the City could be incurring. He stated that there was a sanitary sewer line that bisected the property and ran underneath the former bottling company, and that they were aware that this would have to be relocated as the property was redeveloped. He continued that the sidewalks in the area, due to their age, were substandard,

that they did not meet the current width standards. He stated that this pertained only to the public infrastructure in the area, not to the private property as it might be redeveloped.

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

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

President Russell read and introduced an ordinance authorizing the vacation of a portion of Utility and Drainage Easements along the rear lot line and south lot line at 2515 Washington Street, as follows:

(ORDINANCE NO. 14-513)

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

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

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that first, as a veteran of the United States Army, he wished to respectfully acknowledge the one 23-year-old United States Marine killed in combat in Afghanistan in the prior two weeks, since the last meeting of the Council.

Mr. Cox stated that he was a member of the Huntsville Chapter of Retired Federal Employees and that one of their outreach programs was to have an event at the Tut Fann Veterans

Home each year. He stated that they had done this the prior May, and that as a result of that, he had had the pleasure of being invited back to Tut Fann earlier in the day for their 19th anniversary celebration. He stated that this had been a fabulous event and he had been delighted to have had the opportunity to introduce himself and talk to Major General Brown, a female two-star general. He continued that back in his days in the Army, there were no female two-star generals, so that it had been a pleasure for him to be able to meet her and talk with her. He stated that she had said that that was the first occasion for her to visit Tut Fann but it would not be her last. He continued that neither would it be his, noting that one of his friends from the Railroad Museum was a resident there.

Mr. Cox stated that the non-profit, all-volunteer North Alabama Railroad Museum on Chase Road would have their Freedom Express ride on the following Saturday, July 12. He continued that for the first time, with the train rides there would be food trucks. He continued that persons could come at 10 o'clock and ride the train and then enjoy the food from at least three food trucks, or they could come and enjoy the food from the food trucks and then take the 1 p.m. train. He stated that this was a 10-mile ride. He stated to President Russell that one had never lived until they had gone out there and picked up a spike hammer and driven spikes into the railroad.

Mr. Walt Hennessee, 1002 Hogan Drive, appeared before the

Council, stating that, speaking as a real estate broker, there had been a scam going on around the city, as well as around the country. He stated that this involved craigslist and some other sites. He stated that this scam was that someone would take the listing information off of the Valley MLS and basically clone this, on craigslist or some other sites out there, and offer it for rent. He stated that persons would then negotiate with someone over the phone. He continued that their ultimate goal was to get a security deposit, the first month's rent, the last month's rent, etc., as much as they could get out of a person. He continued that they would say, "If you send us the money, we will send you the keys, but don't talk to the real estate agent that has it listed."

Mr. Hennessee stated that he would like to thank Steve Doyle for the newspaper article he had written concerning this matter. He continued that he had spread this article throughout the real estate community and he had gotten wonderful feedback from it.

Mr. Hennessee stated that he just wanted the public to know that this was going on. He continued that unless persons talked to a property manager, they should not be renting property over the phone.

Mr. Hennessee stated, concerning the Fixing Fido program, that this was well under way and that to date they had fixed 143 dogs. He stated that this was a voucher program, and that if persons had a dog that needed to be fixed and did not have

the money to do this, they would give them a voucher and arrange with a private veterinarian to have the procedure done. He stated that they had plenty of grant money for this.

Ms. Jackie Reed again appeared before the Council, expressing appreciation to the City for the fireworks on the 4th of July, noting that they were absolutely beautiful.

Ms. Reed stated she did not believe that an organization that received direct or indirect City funds, through the Community Watch Association, should conduct meetings that barred citizens. She stated that she lived in everybody's neighborhood and had been going to everybody's neighborhood meetings for the past 20 years and never had she ever been told, "Ms. Reed, go home." She suggested that if they were going to have private meetings, they have them some other night rather than the night of the community meeting. She stated that this had really bothered her, noting that she believed this had to do with the upcoming election.

Ms. Reed stated that she was ashamed of the Council members for the situation concerning the Kildare Mansion, noting that she believed they should have given them more time to work on this matter. She stated that the Council members needed to go out to the location and see this situation. She continued that she had driven out to the area and that she certainly would not want to live next door to the house. She stated that they should be ashamed of themselves for not holding a work session to discuss this matter. She stated that

they did not have work sessions anymore to discuss such matters and she did not understand why they did not. She stated that they should have visited the property and then called a work session to discuss this matter, and then made an agreement. She stated that the owner would probably tear down the house and file a lawsuit against the City. She stated that it would be a shame if the Council members had taken a vote on this matter and had not even visited the property.

Ms. Reed stated that she had watched the Council vote for many years where they had given easements to developers, of various dimensions. She continued that they had given many, many times for all the developers. She reiterated that she was ashamed of how they had handled the matter concerning the Kildare Mansion.

President Russell stated to Ms. Reed that the Council had held a work session two weeks prior on neighborhood concerns.

Councilman Kling stated that the Holiday Homes Neighborhood Association was a neighborhood association, that it was not a Community Watch Chapter, and they received no City funding, directly or indirectly. He stated that Mr. Hamilton was aware of the issue that the neighborhood had been discussing and that it was not a political issue, that it had to do with a neighborhood situation, with Merrimack, and that it had nothing to do with politics. He stated that he was at the meeting because they had asked him to be there in his role as a City Council member, and that it was nothing political.

He continued that since Ms. Reed had left the meeting, he had felt that under the circumstances, he should also leave. He stated that he had just wanted to clear up that matter.

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

There was no response.

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

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PRESIDENT OF THE CITY COUNCIL

ATTEST:

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CITY CLERK-TREASURER