

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JULY 11, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, July 11, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Rev. Gregory Bentley of the Fellowship Presbyterian Church led the invocation. Councilman Culver led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on June 27, 2013, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Mr. Greg Patterson, Director of Parks and Recreation, to come forward, noting that there were some recognitions to be made at this time.

Mr. Patterson asked Kelly Dorney to come forward, stating that she was one of two young ladies who had made All-State

with the Huntsville High School Soccer Team. He stated that they had made it to the Final Four at John Hunt Park. He stated that Kelly would be starting her senior year very soon and had already committed to play soccer at Mississippi State.

Mr. Patterson presented a certificate to Kelly and congratulated her for her outstanding achievement.

Mr. Patterson stated that the Sports Commission and Mayor Battle had held a press conference earlier in the day and had announced that the State Soccer Tournament, which had been being held in Huntsville for the prior 12 years, would be held in the city for an additional 3 years. He stated that this was one of the best events in the city and that they were very proud that it was going to continue to be held in the city.

Mr. Patterson stated that Kelly had a teammate who was not able to be present at this time, noting that Kat Crump was out of town, playing soccer in Birmingham. He stated that Kat had also made the All-State Team and congratulated her and stated that they would get her certificate to her.

Mr. Patterson asked Thomas Hill to come forward, stating that he was an outstanding two-sport athlete at Grissom High School, noting that he had been a quarterback on the football team, playing defensive back, and that he had also made the All-State Team in baseball. He stated that he was an outstanding young athlete and that he would be attending Southern Union the upcoming year, and would be playing baseball.

Mr. Patterson presented a certificate to Thomas and congratulated him on his outstanding achievements.

Mr. Patterson stated that there were also some young ladies from Randolph that he would like to recognize, noting that Randolph had won the State in Class 1A through 4A. He stated that they could not be present but that he did want to recognize Abby Knowling, Lauren Lackey, and Daria Zarzeka.

Mr. Patterson stated that he would also like to recognize Greg Lambert from Madison Academy, whom he noted had made All-State 3A Baseball, noting that he was out of town and could not be in attendance at the meeting.

Councilman Showers read and introduced a resolution recognizing Michael K. Sublett, Fire Chief, Huntsville Fire and Rescue, upon his retirement from the City of Huntsville, as follows:

(RESOLUTION NO. 13-504)

Councilman Showers 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.

President Russell recognized Councilman Olshefski.

Councilman Olshefski stated that it was quite an honor to be able to make this presentation to Chief Sublett, noting that he had always had an allegiance to soldiers and that he looked at fire fighters and policemen as soldiers.

Councilman Olshefski read from the resolution, recognizing

Chief Sublett's many contributions to the city during a 38-year career. He also enumerated the many honors he had received and capacities in which he had served, as well as other contributions to the community outside of his service to the city.

Councilman Olshefski presented the resolution to Chief Sublett, expressing gratitude for his many years of public service and his many significant accomplishments.

Chief Sublett stated it had certainly been an honor to work for the City of Huntsville for 38 years, noting that if he had it to do over, he would do the exact same thing. He stated that serving persons in the community was a very rewarding profession, whether it was talking to two-year-olds, senior citizens, or doing anything they could to protect the citizens.

Chief Sublett introduced members of his family, expressing appreciation for their support.

Councilman Olshefski recognized Staff Sgt. Drysdale, a relative of Chief Sublett, stating that it was an honor to have a soldier, in uniform, at the Council meeting, stating that he was a great American who had been in combat and was protecting the citizens' freedoms.

Chief Sublett stated that he also wanted to recognize Rex Reynolds, stating that he had been his supervisor for the prior several years, and that he had been a great leader.

President Russell read and introduced a resolution commemorating the life of Mr. Richard M. Jess, an outstanding

community servant, as follows:

(RESOLUTION NO. 13-505)

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.

Councilman Olshefski stated that it was an honor to be able to present this resolution to the family of Mr. Jess. He read from the resolution, noting Mr. Jess's many contributions to the community, particularly in his work of assisting low-income families to achieve a better life and become better citizens in the community. He also noted his military career, as well as other career choices. He stated that Mr. Jess had been a VISTA volunteer and had been assigned to LIFT Housing and had been dedicated to locating quality affordable homes for low-income families and assisting individuals in their transition into the mainstream community. He stated that in 1990, he had become the Executive Director of LIFT Housing, where he had directed all activities to assist Huntsville's low-income families. He continued that he had been selected as a member of Mayor Hettinger's Commission on the Homeless and had represented the Commission during 1990 at conference. He stated that because of his years of service to Huntsville's poorest citizens, Mr. Jess had been recognized by Mayor Hettinger for his outstanding community service and had received a letter of commendation on November 15, 1990, which

had been proclaimed Richard Jess Day in Huntsville.

Councilman Olshefski presented a copy of the resolution to Mr. Jess's son, who introduced other members of his family.

Mr. Jess expressed appreciation for the recognition, noting that his father was a good man who loved his family, his friends, his community, and his country, and that he had left behind a legacy.

Councilman Showers read and introduced a resolution congratulating the Burwell-Strong Family upon the occasion of their upcoming 17th Bi-Annual Family Reunion, as follows:

(RESOLUTION NO. 13-506)

Councilman Showers 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.

Councilman Showers stated that he would be presenting the resolution at the reunion to be held on July 12-14, 2013, at the Embassy Suites in Huntsville. He stated that he would be presenting the resolution during the reunion.

President Russell stated that he had some sad news, noting that Ms. Pearlie Stamper's husband had passed away earlier in the week. He stated that visitation would be on Friday evening from 6 to 8 at the Royal Funeral Home, with the service being on the following Sunday at 12 noon at the Oakwood University Church. He asked everyone to keep their thoughts and prayers with Ms. Stamper during this difficult time.

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

Councilman Showers read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying on the west side of Williams & Broad Drive and north of Dug Hill Road as Residence 1 District, at the August 22, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-507)

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

Councilman Showers read and introduced Ordinance No. 13-508, zoning newly annexed property lying on the west side of Williams & Broad Drive and north of Dug Hill Road as Residence 1 District.

Councilman Showers 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 22, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-509)

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

Councilman Showers read and introduced Ordinance No. 13-510, 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 Showers read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying on the east side of Adonis Road and east of Old Big Cove Road as Residence 1-A District, at the August 22, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-511)

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

Councilman Showers read and introduced Ordinance No. 13-512, zoning newly annexed property lying on the east side of Adonis Road and east of Old Big Cove Road as Residence 1-A District.

Councilman Showers read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying west of U.S. Highway 431 South and on the north side of Deaton Road as Residence 1-A District, at the August 22, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-513)

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

Councilman Showers read and introduced Ordinance No. 13-514, zoning newly annexed property lying west of U.S.

Highway 431 South and on the north side of Deaton Road as Residence 1-A District.

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

President Russell stated that persons would have three minutes to address the Council on any issue they would like to address.

Ms. Laura McVay, 605 Springwood Circle, SE, appeared before the Council, expressing appreciation for being able to address the Council.

Ms. McVay stated that it had come to light that there was a Super Walmart that would be coming to a location at the junction of L&N Drive and Drake Avenue. She stated that she felt this should have been brought to public notice since there would be an immense cost to the public for the store's existence. She stated, concerning tax subsidies, that Birmingham had expended more than \$24 million for three locations for Walmart in that city. She stated that this was a huge cost to come out of the City's coffers, noting that things were tight and that persons were paying higher taxes.

Ms. McVay stated that another cost would be infrastructure costs, noting that Walmart was notorious for putting this on the city rather than paying it out of their own budget. She stated that a city in which she had lived while her husband was on active duty had fought for two years and had finally accepted the cost of putting in new sewage lines, new electric

lines, and new water lines, because even though Walmart already had the property, they were not going to pay the cost of upgrading the infrastructure that would be needed in order to have a store in that location.

Ms. McVay stated that there would also be traffic costs that would be incurred, noting that the subject intersection at L&N and Drake could not handle a Super Walmart, and that this cost would also come out of the taxpayers' pockets. She stated that there would also be security costs. She stated that there was a mall located directly across the street from this location and inquired as to how many police calls were going out to that particular mall, as well as the Walmarts located in the area, and the other super centers. She stated that if there was going to be a big shopping area, with a lot of shoppers, there would be predators.

Ms. McVay stated that California was pushing through legislation at this time because Walmart was notorious for not paying their employees enough to just live. She stated that their response to the Affordable Care Act had been to reduce hours, so that their workers were generally working less than 30 hours a week, which she noted made them eligible for going on Medicaid and Medicare. She stated that it had been announced that California was getting ready to fine Walmart, per employee that was on their medical system, close to \$6,000 per year.

Ms. McVay stated, concerning Walmart in the state of

Alabama, that she actually had the Alabama reports for Medicaid. She stated that they were the No. 1 employer in the state for their employees and their dependents receiving welfare. She asked if Huntsville really wanted this predator in the city. She stated that they did not pay a living wage, that they did not give enough hours for their employees who actually worked, and yet their coffers were growing.

Ms. McVay stated that she, as a Huntsville taxpayer and voter, was very concerned about not just the city and the taxes but also for those persons who might actually consider getting a job at Walmart, noting that they would never get out of the hole.

Councilman Kling stated that he had also had some concerns about this issue, stating that this seemed to be similar to the issues they had dealt with concerning the proposed Walmart location on Airport Road, which, fortunately, had been worked out.

Councilman Kling stated that he had discussed this matter with Marie Bostick of the Planning Department and that basically what he had been told was that this did not involve a rezoning issue, that the zoning did not have to be changed. He stated that he was not aware of the City doing any incentives concerning this and asked if the Planning Department could comment on this.

President Russell stated that any incentives would have to be approved by the Council and noted that they had certainly

not done this.

Councilman Kling asked if Ms. Bostick could advise him if there were any economic incentives concerning this matter.

Ms. Bostick stated that she had not had any conversations with anyone about any incentives for any improvements in this area for any project.

Councilman Kling asked how the fact that the location was on the side of the Parkway would work out with the State Highway Department.

Ms. Bostick stated that access to the Parkway was governed through ALDOT, who issued such permits, because it was a State highway.

Councilman Kling stated that, as he understood this, it was a private arrangement between the property owner and Walmart. He continued that he understood there were several property owners in the area who had concerns about this matter. He stated that it appeared to him that they should focus their energies and contact the State Highway Department concerning this matter. He asked Ms. Bostick if this was the outlet they could use.

Ms. Bostick stated that if the concern were ingress and egress to the Parkway, that would be correct.

Ms. Gia Schuetz, 3218 Monarch Drive, SW, appeared before the Council, stating that it was her understanding that Walmart had commissioned a traffic report to the Alabama Department of Transportation.

Ms. Schuetz stated that the Council and the Administration could say that they had no say in this because it was a zoning issue but that that was an unacceptable answer. She stated that they were the citizens' elected officials and they were to represent the businesses and residents of the city. She stated that this was the reason her group was present, to express themselves on this matter.

Ms. Schuetz stated that the Army had brought her family to Huntsville and their love of the city had kept them in Huntsville. She stated that at this time she was present to represent a group of very upset small business owners, service providers, residents, and merchants who would be affected by the introduction of a 24-hour Super Walmart into the city center. She stated she would have never thought a city that was interested in being forward thinking in economic development and urban renewal would throw their small businesses and organizations under the bus.

Ms. Schuetz stated that it was no secret in Huntsville that the current Walmart location on Drake was not a pleasant place to shop. She questioned why this was, noting that she did not believe it was the customers. She stated that she did not believe Walmart had been a great tenant there, holding up the maintenance of the building and creating a site that was pleasurable to shop in, noting that they had been doing this for more than 20 years. She asked why the Council and the Administration would give the community 24 hours more of this,

at the expense of the small businesses in the area.

Ms. Schuetz asked if Walmart paid for the draining of the police force because it was a magnet for trouble at 1, 2, 3, and 4 o'clock in the morning.

Ms. Schuetz asked that the Council, the Administration, and the Planning Department please stop putting forth the defense that Walmart brought jobs to the city. She continued that many citizens were aware of the plethora of lawsuits that Walmart faced directly related to their jobs, and also how the company treated its employees. She asked what about present Huntsville jobs, what about the hundreds of jobs in the surrounding area of this proposed Walmart location.

Ms. Schuetz asked if anyone had been in a Super Walmart recently, noting that this included automotive and a vision center. She asked what about the businesses that would be decimated by the 24-hour Super Walmart. She asked who was speaking for the Minuteman Convenience Store, noting that there was also gas at the Walmarts, and who was speaking for the Conoco. She continued by asking who was speaking for Midas. She stated that these were all businesses that were located within less than a half mile of the Super Walmart site. She inquired about Kroger and the 100 plus employees at Kroger and the Publix on Whitesburg. She continued by asking about Pep Boys Auto, Eye See Optical, and Vision Master.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that what was bringing him before the

Council at this time was malfeasance of Alabama Public Law 36-12-40, noting that the title of this was "Rights of Citizens to Inspect and Copy Public Writings; Exceptions." He stated that Section 41-13-1 defined public ownership of government records and defined "Public Records" as "All written, typed, or printed books, papers, letters, documents, and maps made or received in pursuance of law by the public officials of the state, counties, municipalities, and other subdivisions of government in the transaction of public business."

Mr. Timberlake stated that this was the law. He stated that there was also an overview of Alabama access law. He stated that Alabama law required all state and local government officials to correctly make and accurately keep records and documents, documenting the business carried out in their office.

Mr. Timberlake stated that this was letting persons know that the public servants did not own these records, that they belonged to the public.

Mr. Timberlake stated that in the Code of Alabama, 1975, Section 36-12-2, it stated that officials must protect their records from mutilation and/or destruction. He stated that, in addition, all government officials had a duty to provide access to these records, as set out in Code of Alabama, 1975, Section 36-12-40. He stated that this showed that the citizens had unequivocal access to writings, with the exception of certain records as the law provided. He stated that nowhere in

any of these laws had he seen that it allowed for public servants to usurp and go beyond the scope of this law.

Mr. Timberlake stated that he was bringing this up because Huntsville Utilities, in gross malfeasance, had deprived him of his request for access to government documents. He stated that he was not told that these documents were not available or that they were privileged but was given the most ludicrous of excuses, being that he needed to tell them why he wanted these documents. He stated that he believed he had a right to privacy, that he had the right not to say why he wanted a document, that as long as it belonged to him, that should be sufficient, if they could identify him and they could identify the document. He stated that he would grant that they might have the right to ask for voluntary rationale but asked how he would know, as a humble, uneducated citizen, what they would deem as reasonable for his request.

Ms. Rosalind McDermott, 2602 Bonita Circle, appeared before the Council, stating that recently they had started a conversation about predatory lending practices in the city and at this time Walmart had become an issue, noting that the two matters were related.

Ms. McDermott stated that the City had expressed that they did not have any powers to regulate predatory lending practices but stated that she would say that was not correct. She stated that several cities in Alabama had put moratoriums on payday lending and other predatory lending institutions while they

tried to find out how to regulate them, and that, in fact, they had been successful. She stated that the City of Midfield had actually been upheld in court in their efforts to stop a title loan business from being located in a particular area. She stated that the city had said that the concentration of these types of businesses affected and limited the city in being able to attract various types of businesses.

Ms. McDermott stated that she felt this applied to the Walmart issue, as well, noting that Walmart actually suppressed retail job growth and depressed pay levels for all jobs everywhere it located. She stated further that it raised the cost for local municipalities and states in food stamps, Medicaid, and housing assistance. She continued that Walmart had also become a player in non-bank predatory lending, sometimes by partnering with other entities that were doing this and sometimes through their own business.

Ms. McDermott stated that stepping forward to protect citizens on the predatory loan issue meant also standing up to Walmart. She stated that the city did not need Walmart, that they did not need the types of jobs it provided.

Ms. McDermott stated that the City had to do something concerning this because the Federal Government was not going to. She stated that cities and municipalities all over the country were having to step up to do this job. She continued that that's what the citizens were asking the Council and the Administration to do, to do the job they had elected them for,

which was to protect the citizens. She stated that if the Federal Government could not do it, they needed to do it; and that if Montgomery could not do it, the citizens were asking them to do it, and that they were going to be standing before them until the job was done.

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

Ms. Reed stated that she was very saddened by the passing of Ms. Stamper's husband, noting that he was a friend of hers and that she would certainly miss him.

Ms. Reed stated, concerning the Walmart issue, that she had been told that Walmart representatives had been in the Planning Department of the City discussing this issue about six months prior, and that after that time, she had been told that Walmart was purchasing the property. She stated that they needed to hold a public hearing concerning this matter and also needed to do a traffic study. She asked if the Planning Department cut the Council out of such things. She stated that government was about government for the people, that it was not about the big-money boys or the high-priced lawyers coming into the Council, like had happened with the Family Dollar matter the prior week.

Ms. Reed stated that she was also concerned about John Hunt Park, that she was disgusted that they would be putting in retail, and perhaps hotels. She asked if she was

correct in her understanding that the City could not sell the additional 378 acres in John Hunt Park. She stated that she believed there was an ordinance that stated that they could not sell this property without a vote of the public on the matter. She stated that she certainly hoped this was correct.

Ms. Reed stated that the Chapman Mountain residents were very upset that the City could build a road from Governors Drive into Council Court for a big development while Chapman Mountain was on hold.

Ms. Reed stated that Old Madison Pike had been sitting for 17 years and that she wanted to hold their feet to the fire on this.

Ms. Reed stated, concerning the Coca Cola plant, that they should not consider a ball park at this location and have to move Searcy Homes. She stated that if they continued with this, she would get the NAACP in the city and they would hold a march concerning this.

President Russell stated that John Hunt Park was for recreational use only, and that in order to change that, a public referendum would be required.

President Russell stated that the next item on the agenda was Huntsville Utilities Items. He stated that Councilman Olshefski would be recusing himself from consideration of these items and would like his voted recorded as "Abstain" on each resolution.

President Russell read and introduced a resolution

authorizing the approval to purchase hardware and engineering services to upgrade the Master SCADA Station (PR#10119796) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-515)

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

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

AYES: Culver, Kling, Showers, Russell

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the approval to purchase engineering services to replace transformers at the Northwest Primary Station (PR#10120777) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-516)

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

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

AYES: Culver, Kling, Showers, Russell

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the approval to purchase Bentley consulting services to support Bentley Software (PR#10122346) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-517)

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

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

AYES: Culver, Kling, Showers, Russell

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the Mayor to execute an Agreement with TVA, City of Huntsville, and Navistar to provide technical support and assistance to allow Navistar to participate in the Major Industrial Program (Utilities: Electric), as follows:

(RESOLUTION NO. 13-518)

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

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

AYES: Culver, Kling, Showers, Russell

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the Mayor to execute a proposed Resale Rate Schedule Agreement with TVA amending the General Power Contract for the addition of a Supplemental Rate for Separately Metered Residential Appurtenance (Utilities: Electric), as follows:

(RESOLUTION NO. 13-519)

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

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

AYES: Culver, Kling, Showers, Russell

ABSTAIN: Olshefski

President Russell read and introduced a resolution authorizing the approval to purchase consulting services for cost of service and rate design for Huntsville Utilities Natural Gas System (PR#10123002) (Utilities: Gas), as follows:

(RESOLUTION NO. 13-520)

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

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

AYES: Culver, Kling, Showers, Russell

ABSTAIN: Olshefski

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

Councilman Kling read and introduced a resolution to appoint Carole Jones to the Museum Board, for a term to expire August 13, 2019, as follows:

(RESOLUTION NO. 13-521)

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

President Russell read and introduced a resolution to appoint David Nast to the Museum Board, for a term to expire

August 13, 2014, as follows:

(RESOLUTION NO. 13-522)

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

Councilman Kling read and introduced a resolution to reappoint Linda Maynor to the Von Braun Center Board of Control, for a term to expire August 27, 2017, as follows:

(RESOLUTION NO. 13-523)

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

Councilman Showers read and introduced a resolution to appoint James Smith to the Madison County Department of Human Resources Board, for a term to expire August 1, 2019, as follows:

(RESOLUTION NO. 13-524)

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

Councilman Showers read and introduced a resolution to reappoint Jesse Horton to the City Tree Commission, for a term to expire October 8, 2015, as follows:

(RESOLUTION NO. 13-525)

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

and was unanimously adopted.

Councilman Showers read and introduced a resolution to reappoint Dr. William H. Sullins to the Von Braun Center Board of Control, for a term to expire August 27, 2017, as follows:

(RESOLUTION NO. 13-526)

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

Councilman Showers read and introduced a resolution to appoint Ernest Horton to the Historical Preservation Authority, for a term to expire June 3, 2018, as follows:

(RESOLUTION NO. 13-527)

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

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

Councilman Kling nominated Dr. Rao Kakani for appointment to the Madison County Department of Human Resources Board, for a term to expire August 1, 2019.

Councilman Kling nominated Hank P. Holland for reappointment to the Housing Board of Adjustments and Appeals, for a term to expire August 22, 2018.

Councilman Kling nominated Michelle McMullen for reappointment to the Community Development Citizens Advisory Council, for a term to expire August 26, 2016.

Councilman Olshefski nominated Russell Rawson for reappointment to the Huntsville-Madison County Emergency Management Board, for a term to expire July 1, 2018.

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

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

(RESOLUTION NO. 13-528)

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

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

Councilman Kling asked Mr. Randy Taylor, Director of Finance, to present an update on City revenues and sales tax.

Mr. Taylor stated that the City sales tax report was in for the month of June, noting that this was nine months into the fiscal year. He stated that they had been at 4.3 percent in June, compared to June of the prior year, which he noted was better than the prior two months, which had been at approximately 2 percent. He stated that this had brought the year-to-date number up somewhat, noting that they had been at 2 percent the prior month and were now at 2.2 percent.

Mr. Taylor stated that they would have to do 5 percent for the remaining three months in order to achieve their budget goal and noted that this was most likely unrealistic, that it

would be the highest rate they had had all year if it were achieved. He stated that they were expecting to end up somewhat short, noting that this had been explained at the time of the mid-year review. He stated that at this time they were anticipating a shortage in sales tax in the one-half million to one million dollar range. He continued that other revenues were making up for this.

Mr. Taylor stated at this time essentially nothing had changed from the review report that had been previously given, although sales tax had risen somewhat in the prior month.

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

President Russell recognized Mayor Battle.

Mayor Battle stated that he wanted to thank the Council members who had shown up for the recent press conferences. He stated that they had been talking about roads and the needs for roads for Huntsville, Madison, Madison County, and the entire North Alabama area. He stated that they had talked about the Byrd Spring/Lily Flag overpass, which he noted had been delayed five years. He stated that Councilman Showers had been at the press conference, right after being discharged from the hospital, and had done an excellent job when they talked about the need for a Mastin Lake overpass.

Mayor Battle stated that earlier in the day President Russell had been at the press conference when they talked about the extension of I-565 through Moores Mill and

Shields Road. He stated that one thing he wanted to point out when they moved through this conversation was that they did not like being at odds with the Governor's office and with the Alabama Department of Transportation, that that was not their intent out of this. He stated that their intent was to show that this was something that was very important to the community, noting that without these roads they could stifle the growth, they could stifle all the good things that had happened in the community. He stated that if the roads were started at this time, it would be 10 years before they could be driven on, noting that this was a very important thing to look at.

Mayor Battle stated that there were 52,000 people that came in and out of the city every day, that slept in one community and worked in another community and used these roads, noting that these were major arterials that were the responsibility of the State of Alabama and the Federal Highway System. He stated that this was why the roads were so important to the city, the fact that 52,000 people lived somewhere else, came into Huntsville to work, and then went back to the other place. He continued that these persons had to have a way to get to their locations.

Mayor Battle stated that Huntsville was a regional employment center. He stated that at the meeting earlier in the day they had pointed out that they had 4600 people who lived in Jackson County and came into Huntsville to work every

day. He stated that one of the reasons they needed the regional road system was so that they could continue to grow and continue to provide employment for the entire North Alabama area. He stated that this was an issue that affected all of North Alabama, not just Huntsville, not just Madison, or not just Madison County.

Mayor Battle stated that they were looking for a commitment, that they were working very hard for a commitment. He stated that Representative Mac McCutcheon had been working very closely with them, noting that he was head of the House Rules Committee and was a very good friend to the City of Huntsville, the County of Madison, the City of Madison, and the entire North Alabama area. He continued that he had been working very hard for them on the ATRIP Commission. He stated that, however, beyond the ATRIP Commission, they were going to have to have some commitments for roads and road systems.

Mayor Battle stated that when they started looking at the road systems they had in this community, they had a wonderful asset, an 18-minute commute to and from work. He stated that this asset was something they sold jobs on on a day-to-day basis, that when they talked to industry and told them about this, persons who lived in large metropolitan areas wanted to come to the city because of this factor.

Mayor Battle stated that two weeks prior he had not been in attendance at the Council meeting because they were out recruiting a portion of an industry that was located in Tucson,

Arizona, and that when they had told them about the local road systems and the average commute, they had been in awe of the situation, noting that these persons traveled an hour a day to work and an hour a day back from work. He stated that for 175 jobs, there had been 1200 applications, noting that this was something very, very important for the area.

Mayor Battle stated that the community was putting out the message that they had to have this, for not only Huntsville but for all of North Alabama. He stated that they did not mean to be in a fight with the Governor's office or a fight with the Alabama Department of Transportation but they did need to put the point forward that this was very crucial to the city's continued growth and what would happen in the community.

Mayor Battle again thanked the Council members for their attendance at the press conferences and being a part of this and for backing the Administration as they went through this. He also thanked the community associations who had stepped up and attended these press conferences, noting that they had also talked about how this affected the communities in the city. He stated that each of these areas were areas that they had to keep addressing, the Governor's office, the Commissioner of Highways, and the Alabama Department of Transportation, so that they could understand the importance of these systems to the city on a day-to-day basis. He stated that this was the No. 1 issue, noting that roads would always be the No. 1 issue in the city because they affected the quality of life in the city. He

stated that this was the reason they were pushing this forward.

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

Councilman Kling stated that he would also like to express his condolences to Ms. Stamper upon the loss of her husband.

Councilman Kling expressed his support of the comments Mayor Battle had made concerning roads in the city. He stated that he had not been able to attend any of the press conferences but noted that he could not think of a finer issue for Mayor Battle to be advocating and fighting for in the city than the roads.

Councilman Kling stated that there was a history in Huntsville that they had had to put in local money in order to get action out of the State on this matter. He stated that they had actually put in 20 percent of the money that had been needed for Golf Road, Airport Road, and the Oakwood overpasses, noting that no other city in the state had done anything like this. He stated that they had also put large amounts of money into the Governors Drive road-widening project, as well as the widening on University Drive West. He stated that this was Huntsville putting money into State roads.

Councilman Kling commended Mayor Battle for what he was doing on this matter and asked that he keep pursuing it.

Councilman Kling stated that he had received calls from persons in neighborhoods concerning problems with fireworks. He asked if the Police Department might patrol and enforce

whatever was on the books concerning fireworks in neighborhoods. He asked Chief Morris if he could take a look at the ordinance on the books and determine if there were any changes that needed to be made, noting that they had an ordinance on the books but that enforcement appeared to be a problem because everyone, everywhere, seemed to be setting off fireworks. He stated that based on the phone calls he had received, he felt this needed to be looked into.

Chief Lewis Morris of the Police Department stated that they could certainly do this, noting that he believed they had been in communication with the same person who had spoken with Councilman Kling concerning this matter. He stated that he had also talked to Chief McFarlen with the Fire Department, noting that this was actually a fire ordinance, that it had been developed and regulated in relation to fire codes. He stated that he would work with him and see if they could come to some solution.

Councilman Kling stated that he saw two persons in the audience who had raised concerns previously concerning predatory lenders in the city, noting that he had also heard from persons in his district that there had been problems concerning this. He stated that he felt this was something they certainly needed to look into, to determine what, if any, local restrictions the City could use concerning this matter. He asked Ms. Cates if she could look into some of the information on this and determine what the City might be able

to do concerning this. He stated that he would like to determine what could be done within their jurisdiction and what would lie with the State.

Ms. Cates stated that she would be glad to look into this matter, noting that, unfortunately, she did not believe there had been the State action that was needed in this area. She stated that, increasingly, she was hearing of other municipalities that had attempted to address this matter in one manner or another, noting that she believed they had approached it from different vantage points.

Councilman Kling asked her to determine what other municipalities had done concerning this matter, noting that he would like to see the citizens protected on this.

Councilman Kling stated that he would also like to determine if there was any jurisdiction or guidelines that the City had as far as a Walmart Super Center being located in such a concentrated area as was being discussed. He stated that he felt this was something they certainly should look into. He stated that he had determined at this point that no rezoning of this property would be needed. He stated that Ms. Bostick had a great record of being very neighborhood oriented and that she had stated that the State Highway Department had to do some sign-off or approval on this. He stated that it would be interesting to see what information they were using concerning this, noting that if they were using a Walmart-commissioned traffic study, that that appeared to be somewhat like "putting

the fox in charge of the hen house," or that that methodology would be a little suspect.

Councilman Kling stated that he would like to congratulate Dr. Earl Gooding, noting that he had recently attended his retirement celebration. He stated that Dr. Gooding had been a member of the Planning Commission for several years and had been a former instructor of his at Alabama A&M and was a fine man who had done a lot for various administrations in the city. He stated that he certainly appreciated the great work he had done.

Councilman Showers stated that he would also like to acknowledge the passing of Ms. Stamper's husband and stated that his prayers were going out to her and her family.

Councilman Showers stated that on the following Friday the Prater Family Reunion would have their welcome banquet at the Holiday Inn and that he would be representing the City and the Administration at that occasion.

Councilman Showers thanked his fellow Council members, as well as the community, for their kindnesses to him during his recent illness.

Councilman Showers stated to Mr. Terry Hatfield and Ms. Joy McKee that he certainly appreciated what they did for Team Huntsville, noting that they had a way of getting the job done. He stated that he certainly appreciated all the other City employees, as well.

Councilman Showers stated that there was a road in North

Huntsville called "MLK" that had been in the works for some time and that he also wanted to commend Mayor Battle for the strong position he had taken in this campaign to bring attention to the fact that the city needed their road dollars as promised. He stated that they were not fighting the Governor, that they would not do this because they understood where their help came from, but that they certainly wanted to let it be known that they had made promises to the constituents in the city.

Councilman Showers stated that most persons were aware that eventually there would be a loop around the city: the Southern Bypass; the Western Bypass, which he noted was Research Boulevard; the Northern Bypass, Martin Luther King Boulevard; and then the Eastern Bypass, which had not been named at this time. He stated that they were going to need dollars for this.

Councilman Showers stated that he was delighted to hear there were elected officials who were going to speak to the Governor concerning this matter, noting that they certainly needed all the help they could get on this. He thanked Mayor Battle for the campaign he had been running in the past several weeks to just bring attention to the fact that the road dollars were needed and that if Huntsville was to continue to be the kind of city that made people want to come, they had to do better with keeping their promises with the roads that had been outlined for the future.

Councilman Olshefski stated that he also wanted to express his sympathy to Ms. Stamper.

Councilman Olshefski stated that they had talked about roads a lot and noted that they could still use any assistance they could get from persons on this matter. He stated that Mayor Battle could do a lot but that this was not simply the Mayor's fight, that it was everyone's fight. He stated that roads were a serious business.

Councilman Olshefski stated that there had been a change in the garrison command at Redstone earlier in the day and that Mayor Battle and President Russell had been in attendance.

President Russell congratulated the Huntsville Sports Commission for submitting a successful bid for the Alabama High School Athletic Association State Soccer Tournament. He stated that this tournament brought persons from all over the state into the area and was a great boon for economic development in Huntsville and was also a source of great civic pride, that there were hundreds of volunteers who worked the tournament and were very proud of doing so, and that there were several businesses that had long supported the tournament. He congratulated the Sports Commission on a job well done.

President Russell stated that on the following Thursday, July 18, at 5:30 p.m., the Council would be holding a personnel hearing in the Council Chambers. He stated that as of this time, this was a public meeting.

President Russell stated that the next item on the agenda

was Unfinished Business Items for Action.

Councilman Showers moved for approval of Ordinance No. 13-482, amending Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, to allow entertainment in restaurants in the Neighborhood Business C-1 and C-2 districts, which ordinance was introduced at the June 27, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-482)

Said motion was duly seconded by President Russell.

Councilman Olshefski stated that he had been working on this matter for more than a year and a half, noting that he appreciated the work of the City staff on this. He stated that the bottom line to this, concerning the noise ordinance, was that if the doors were shut and a person wanted to play a violin or whatever musical instrument he might choose, he could do so, but that if the noise went outside the door, it would be wrong, and the police could come and if the noise was going outside the door, they would give the appropriate citation, and that the next time this special request was asked for, it would be turned down.

Councilman Olshefski stated that there were some pretty succinct rules set out, that the restaurants that were in residential areas would have to send letters out to the persons living in that area to let them know that they could be operating with some music, or something to that effect. He

stated that they would have this for one year and then would have to do it for another year. He stated that he was very comfortable this could work out with the restaurants trying to do more business, and have more tax revenue, and that if they did not follow the rules, they would not get it. He stated that he believed this was well done and ready to go.

President Russell complimented Councilman Olshefski for the work he had done on this matter and stated that he appreciated the City staff working on it, as well. He stated that he appreciated Councilman Olshefski's patience on this matter.

President Russell called for the vote on Ordinance No. 13-482, and it was unanimously adopted.

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

President Russell read and introduced Ordinance No. 13-529, repealing Ordinance No. 09-735 and ordaining that E-Verify shall be the designated employment eligibility verification system for the City of Huntsville.

President Russell asked Ms. Cates if she could briefly explain this matter, noting that he thought they were already doing E-verify.

Ms. Cates stated that they were already doing E-verify and that the prior ordinance they had in place had indicated that they would use E-verify as the verification system. She continued that State law also required that this be used as the

State verification system. She stated that the main thing they were trying to accomplish with this ordinance was to revoke the prior ordinance because they simply did not need it anymore, in light of the State law and the provisions within the State law that were still in effect. She continued that this was simply not needed, that it was pre-empted by State law.

President Russell read and introduced Ordinance No. 13-530, amending Ordinance No. 89-79, Classification and Salary Plan.

President Russell read and introduced Ordinance No. 13-531, amending Budget Ordinance No. 12-768, modifying the authorized strength of the departments.

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

President Russell read and introduced an ordinance declaring certain property as surplus and donating property to Huntsville Housing Authority, as follows:

(ORDINANCE NO. 13-532)

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

President Russell read and introduced an ordinance declaring certain equipment surplus and to be sold at public auction, as follows:

(ORDINANCE NO. 13-533)

President Russell moved for approval of the foregoing

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

President Russell read and introduced an ordinance declaring property as surplus and authorizing donation of said property to the Huntsville/Madison County Marina and Port Authority, as follows:

(ORDINANCE NO. 13-534)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Public Safety to accept the FY 2013 High Intensity Drug Trafficking Area (HIDTA) grant, as follows:

(RESOLUTION NO. 13-535)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Huntsville and The Madison County Commission for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG), as follows:

(RESOLUTION NO. 13-536)

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

Councilman Showers and was unanimously adopted.

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

(RESOLUTION NO. 13-537)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Progress Bank Letter of Credit No. 9000008900-02 Midtowne on the Park Phase 2 Subdivision, as follows:

(RESOLUTION NO. 13-538)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke First Commercial Bank Letter of Credit No. 1109 for Watercress Phase I Subdivision, as follows:

(RESOLUTION NO. 13-539)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000737109 for Bridgewater Landing Phase 2 Subdivision, as follows:

(RESOLUTION NO. 13-540)

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

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

(RESOLUTION NO. 13-541)

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

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

(ORDINANCE NO. 13-542)

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

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

(RESOLUTION NO. 13-543)

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

President Russell read and introduced an ordinance to amend Budget Ordinance 12-768, by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 13-544)

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

President Russell read and introduced a resolution authorizing the Mayor to sign an application to the U.S. Department of Housing and Urban Development for a \$99,000 EDI grant for the acquisition of property for flood mitigation, as follows:

(RESOLUTION NO. 13-545)

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

President Russell moved for approval of a request for authorization to advertise and fill one (1) Grade 19 position of Senior System Software Analyst and to fill at a higher rate than minimum if necessary, which motion was duly seconded by Councilman Showers and was unanimously approved.

President Russell read and introduced a resolution

authorizing the Mayor to enter into an agreement with the low bidder, APAC Mid-South, Inc., for South Memorial Parkway Access Improvements, Project No. 65-13-TI02, as follows:

(RESOLUTION NO. 13-546)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Construction Administration Services for Industrial Access and Turn Lanes to the Toyota Plant, Project No. 65-13-SP24 and ALDOT Project No. IAR-045-000-009, as follows:

(RESOLUTION NO. 13-547)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Family Services, Inc., for the use of Home Investment Partnership Funds to rehabilitate existing housing, as follows:

(RESOLUTION NO. 13-548)

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

Councilman Showers read and introduced a resolution authorizing an Agreement between the City of Huntsville and the Madison County Commission for the development and maintenance of a public park on Chaney Thompson Road, as follows:

(RESOLUTION NO. 13-549)

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

President Russell asked Mr. Greg Patterson, Director of Parks and Recreation, for a brief explanation of the above resolution.

Mr. Patterson stated that this was a joint effort between the City of Huntsville and the Madison County Commission for the development and construction of a park on Chaney Thompson Road. He stated that the park had not been named at this time but that it was on Chaney Thompson Road, just south of Challenger School. He stated that the City would be responsible for maintenance when the park was completed.

President Russell stated that he would like to congratulate Mr. Patterson, Mayor Battle, Councilman Olshefski, and all persons who were involved in this, noting that this was exactly the type of partnership the citizens expected. He stated that he wanted to make sure that Commissioner Riddick and the County Commission were also thanked for this, noting that it would be a jewel in Councilman Olshefski's district.

Mr. Patterson stated that in the first phase of the park there would be a parking lot, a playground, a pavilion, and a

dog park, and that as time went on and money permitted, they would be adding other things to the park.

Councilman Kling asked if any thought had been given to what the name of the park would be.

Mr. Patterson stated that Commissioner Riddick was working on this, noting that he had some persons making suggestions on this.

Councilman Kling stated that he believed that "Sandra Moon Park" would be a good name.

Mr. Patterson stated that he would certainly pass that on.

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with G.W. Jones & Sons Consulting Engineers, Inc., for Land Surveying Services for Big Spring Park Topographic Survey, East and West, Project No. 65-13-DR04, as follows:

(RESOLUTION NO. 13-550)

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

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

Ms. Martin stated that this was a topographic survey of the park, noting that it would define the existing site conditions, to include where the lagoon sat, where sidewalks

were, where benches were, trash cans, and even the water level. She stated that this information would be used to define how to better utilize the park for public space. She stated that currently there was no plan developed, that they were simply doing the topographic survey, and that they would be working closely with the Planning Department to define anything that needed to be done.

Councilman Kling stated that he had had persons mention to him on numerous occasions about the water fountains in the park not working and stated that perhaps this could be worked into any future plan.

Ms. Martin stated that they would look into that.

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

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement with low bidder, Weaver Environmental Services Co., Inc., for Periodic Bid for Emergency Manhole Rehabilitation, Project No. 65-13-SP35, as follows:

(RESOLUTION NO. 13-551)

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

President Russell asked Mr. Shane Cook, Director of Water Pollution Control, for an explanation of the above resolution.

Mr. Cook stated that this was a manhole rehabilitation

contract they kept in place for standard manhole rehabilitation. He stated that there were a lot of manholes in the city that had been in place since the 40's and 50's, which were brick manholes. He stated that this was a contract where they would come in and line the insides of the existing manholes with concrete in order to keep them structurally sound for the next 50 years. He stated that just as with all their rehabilitation contracts, there was emergency service included, noting that, however, they did not necessarily use the emergency status. He stated that they required all such contractors to show up within a 12-hour time frame if an occasion arose.

Mr. Cook stated that the prices on this were extremely good, noting that the next lowest bid was almost twice this amount. He stated that they had had this same contractor in place for the prior three years and had been very pleased with their work and were ecstatic about their prices.

President Russell stated that he had noticed that the "not-to-exceed amount" was approximately \$495,000 and asked how they had arrived at this amount. He continued that he was also not certain why this "not-to-exceed" price was included.

Mr. Cook stated that the contract price for this was \$432,750, and just as with all their periodic bids, they put out a bid with quantities included that they felt would take care of what they might do in that year's time frame.

President Russell asked if the figure was based on what

had been done the prior year or the year prior to that or if it was just some estimate by the department.

Mr. Cook stated that the quantities that had been put on there and whatever unit prices the contractor had come back with, that was the total number that could be done inside the project.

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

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

President Russell read and introduced an ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 2, Research Park Lake 5 Phase 3 Subdivision (Mushashi, LLC), as follows:

(ORDINANCE NO. 13-552)

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

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

Ms. Jackie Reed again appeared before the Council, stating that she had two questions. She asked if the John Hunt Park matter had been on the agenda for the meeting.

President Russell replied in the negative.

Ms. Reed stated that she would like for this to be flagged when it came before the Council. She stated that some things

were going through that she could not even recognize what was going on.

Ms. Reed stated to Councilman Showers that she did not believe that either of them would ever see the Northern-Southern Bypass, that she did not believe they would live long enough. She stated that she was more concerned with what was going on in the Downtown area, that this was moving faster than the road work was. She stated that she felt the public was concerned about how much money was being spent in the Downtown area, that a lot of people were not happy with this.

Ms. Reed asked what the City was offering the developer that was coming to John Hunt Park.

Councilman Kling stated that there were 300, or 600, acres of John Hunt Park that were earmarked as recreation, that they were talking about soccer fields, landscaping, and perhaps an extra sheet of ice, et cetera. He stated that this was separate from what the Mayor had been working on with the Parkway frontage, noting that this was not part of the John Hunt Park area. He stated that as far as he was aware concerning this, it was not the City doing something for the developer, that the developer would be putting approximately \$7 million into this project. He stated that the City would be spending some money for relocating the fire station. He stated that as he understood it, when the money came in, it would be funneled into Recreation, with new soccer fields, et cetera.

Mr. Rex Reynolds stated that this was correct for the property on Triana Boulevard.

Councilman Kling stated that he felt that this was a good plan, that nothing was being done with the recreation land but that the project would bring in 7 or 8 million dollars which would go into recreational improvements for the city.

Ms. Rosalind McDermott again appeared before the Council, stating that she would like to point out to Mayor Battle, concerning the commute being an asset for the city, that this should be used as equal justification for public transit for the future, improving this, that they needed to pay more attention to this, noting that they could not continue having roads and cars being the focus of everything.

Ms. McDermott stated that she also wanted to note that a judge had recently upheld an ordinance similar to Birmingham's moratorium that was limiting the location of payroll businesses and these type businesses. She stated that the judge had ruled that these ordinances would be an excellent model for other municipalities. She stated that that was either Mayfield or Midfield, Alabama, which she noted she had not been able to clear up as of this time. She stated that, also, other communities had said that payday businesses leached money out of the communities and increased crime and impacted budgets. She stated that these were also some of the same concerns they had about Walmart. She stated that Texas municipalities and Mississippi municipalities, as well as municipalities in many

other states, had taken up regulating these types of businesses because the states had been hindered by the significant lobbying effort the industry was conducting, noting that the money went to the State and Federal levels for this lobbying, so that municipalities had come to the conclusion that they had to step up and take care of this.

Ms. McDermott stated that she believed they would find that a Walmart Super Store so close to the city center would negate all of the efforts on downtown revitalization. She stated that she was certainly in favor of efforts to improve some blighted areas of the city that did not have enough businesses to serve persons who lived in the areas but stated that having more Walmarts was not the answer. She stated that this was also correct concerning the Walmart Food Center that was supposedly scheduled for the corner of Jordan Lane and Oakwood Avenue.

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.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER