

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JULY 24, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, July 24, 2014, 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:	Hamilton
Deputy City Attorney:	Cates
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Shobha Bhat led the invocation; Councilman Olshefski led the pledge of allegiance.

The minutes of the Regular Meeting of the Council held on July 10, 2014, 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. He stated that there were some young people to be recognized at this time.

Mr. Patterson stated that it was his honor to be able to recognize an individual, as well as a team.

Mr. Patterson asked Morgan Wall to come forward. He stated that Morgan had just graduated from Huntsville High School, and she had been named 6-A All-State in softball. He congratulated her for an outstanding year. He stated that Morgan would be attending Auburn in the fall and had a great career to look forward to.

Morgan expressed appreciation for the recognition.

Mr. Patterson asked Coach Mike Good of the Madison Academy Mustangs to come forward. He continued that they had won the Class 3-A State Baseball Championship. He stated that during the past six years, this team had been the State champion twice and the runner-up twice.

Mr. Patterson asked Coach Good to recognize his team members.

Coach Good asked Dr. Kirkland to join him on the stage. He stated that the president of Madison Academy had recently retired, and Dr. Kirkland was the new president, and they wanted to welcome him to Huntsville.

Coach Good stated that he would like to recognize his assistant coaches who were in the audience: Gary Mayes and David Wessinger.

Coach Good introduced the team members who were present in the audience and asked them to come forward.

Coach Good stated that they had been very fortunate, that a lot of things had fallen in place for them to put together a championship season. He stated that they looked forward to

being back before the Council the following year and thanked them for the recognition.

Coach Good stated that he had some complimentary passes for the City Council, as well as Mayor Battle, for their home football opener on August 22, noting that it would be Madison County versus Leeds. He stated that this was a rematch of the State 3-A Class championship game from the prior year and that the game would be shown on ESPN.

Councilman Showers read and introduced a resolution in recognition of the Draper Memorial Church of God in Christ 2014 Scholarship Awards Banquet, to be held at the Holiday Inn Research Park on August 2, 2014, as follows:

(RESOLUTION NO. 14-514)

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

Councilman Showers stated that he would be presenting the resolution on Saturday, August 2, 2014, on behalf of the Council and the Mayor.

Councilman Showers read and introduced a resolution congratulating Mr. and Mrs. Richard Carter upon their 50th Wedding Anniversary, to be held at Grille 29 in the Village of Providence on July 29, 2014, as follows:

(RESOLUTION NO. 14-515)

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

and was unanimously adopted.

Councilman Showers stated that he and Councilman Culver would be presenting the resolution on July 29, 2014, on behalf of the Council and the Mayor.

Councilman Showers read and introduced a resolution congratulating Dr. Joe Mac Bankhead upon his 22nd Pastoral Anniversary at the Friendly Temple Church of God in Christ, to be held on July 27, 2014, as follows:

(RESOLUTION NO. 14-516)

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

Councilman Showers stated that Dr. Bankhead would be honored for his service to the church, and that he would be presenting this resolution on that occasion, on behalf of the Mayor and the Council.

President Russell stated that the Administration had asked that item 14.a on the agenda be considered at this meeting and stated that they would need unanimous consent for that.

President Russell stated that item 15.nn 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 for suspension of licensure for UTSAV, LLC, which hearing had been set at the

July 10, 2014, Regular Council Meeting.

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

Mr. Taylor stated that this was an item that he had explained to the Council on a regular basis. He stated that he would not go through the entire process, but stated that it involved a request concerning the payment of taxes. He stated that he had previously described the process they went through when the City believed additional taxes were due.

Mr. Taylor stated that in this particular case, there was an agreement between the taxpayer and the City on the amount. He stated that, however, given some circumstances associated with this matter, they had requested the suspension so as to be able to enforce an agreement that had been arrived at, with which the taxpayer had been compliant. He stated that it was their interest to protect the honoring of that agreement by way of the action that was before the Council. He stated that the taxpayer might be present at the meeting, but that they had reached an amicable agreement, and the taxpayer was complying with it, that this was just a request to be able to enforce the agreement.

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

There was no response.

President Russell stated that the public hearing was

closed.

President Russell read and introduced a resolution suspending licensure for UTSAV, LLC, as follows:

(RESOLUTION NO. 14-517)

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-318, amending Article 74, Non-Conforming Lots; Non-Conforming Uses of Land; Non-Conforming Structures; and Non-Conforming Uses of Structures and Premises, by deleting the existing Section 74.1, Non-Conforming Lots of Record, and adding a new Section 74.1, Non-Conforming Lots of Record and Unified Lots, which ordinance was postponed at the June 26, 2014, Regular Council Meeting.

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

Ms. Leddo stated that the Planning Staff, upon further review and discussion, felt that there needed to be additional clarification and changes to the language of the above ordinance. She stated that, in the best interest of all, they were requesting that the Council not consider the proposed ordinance at this time. She continued that they were requesting that the ordinance be returned to the Planning Commission and that they begin the legal process again.

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

There was no response.

President Russell stated that the hearing was closed.

President Russell moved to send Ordinance No. 14-318 back to the Planning Commission, which motion was duly seconded by Councilman Showers, and was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-402, rezoning property lying on the east side of Quality Circle and north of Governors West from Research Park Applications District to Research Park Commercial District, which hearing was set at the June 12, 2014, Regular Council Meeting.

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

Ms. Nichols stated that the subject property was approximately 10 acres and was located on the east side of Quality Circle and north of Governors West. She stated that the current zoning for the property was Research Park Applications District and the proposed rezoning request was for Research Park Commercial District, which she noted was consistent with the zoning of the adjacent property.

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

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 14-402, rezoning property lying on the east side of Quality Circle and north of Governors West from Research Park Applications District to Research Park Commercial District, which ordinance was introduced at the June 12, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-402)

Said motion was duly seconded by Councilman Culver.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-404, zoning newly annexed property lying on the south side of Olmstead Road and west of Taylor Road as Residence 1-A District, which hearing was set at the June 12, 2014, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that the subject property was 1.36 acres of newly annexed land and was located on the south side of Olmstead Road and west of Taylor Road. She stated that there was a single-family detached dwelling located on the property and the proposed zoning was Residence 1-A, which she noted was consistent with the zoning of the adjacent property.

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 moved for approval of Ordinance No. 14-404, zoning newly annexed property lying on the south side of Olmstead Road and west of Taylor Road as Residence 1-A District, which ordinance was introduced at the June 12, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-404)

Said motion was duly seconded by Councilman Showers.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-406, zoning newly annexed property lying on the east side of U.S. Highway 431 South and on the north side of Caldwell Lane as Highway Business C-4 District, which hearing was set at the June 12, 2014, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that the subject property was 17.19 acres of newly annexed land. She stated that it was located on the east side of U.S. Highway 431 South and on the north side of Caldwell Lane. She continued that the property

was currently vacant and there was proposed commercial development. She continued that the proposed zoning was Highway Business C-4.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 14-406, zoning newly annexed property lying on the east side of U.S. Highway 431 South and on the north side of Caldwell Lane as Highway Business C-4 District, which ordinance was introduced at the June 12, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-406)

Said motion was duly seconded by Councilman Kling.

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

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

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

Mr. Benion stated that the resolution identified

59 properties that were in violation of the City's grass and weed ordinance. He continued that the properties were identified on Attachment A by the owner and location. He stated that the owners had received written notification, by regular mail, that they were in violation of the ordinance and had been given 14 days to correct the violation. He stated that all 59 owners had failed to respond and that Community Development had issued work orders to cut these properties, at a total cost of \$13,470.80, and an average cost of \$228.32. He stated that Attachment A also identified the date and cost for cutting these properties. He stated that the owners had received a written request, by regular mail, for payment and had failed to respond, so that he was requesting that property assessments be placed on these properties in order to collect the costs.

Mr. Benion stated that the owners had been notified of this proposed action and could 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.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Kling read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain

properties, as follows:

(RESOLUTION NO. 14-518)

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.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of demolishing the property located at 1512 McCrary St., N.W.

President Russell recognized Mr. Benion.

Mr. Benion stated that the property identified in the resolution had previously been declared unsafe and authorized for demolition. He stated that the resolution authorized the assessment of cost of demolition and removal of debris from the property. He stated that Attachment A identified the owner and the date that Community Development had taken action and the cost of demolition and removal of debris from the property, and that the total cost was \$2,414.

Mr. Benion stated that the owner had received a written request for payment and had failed to respond, and he was requesting that an assessment be placed on the property to collect the cost.

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

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.

Councilman Culver read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of demolishing the property located at 1512 McCrary St., N.W., as follows:

(RESOLUTION NO. 14-519)

Councilman Culver 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 stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of demolishing the property located at 613 Kennan Rd., N.W.

President Russell recognized Mr. Benion.

Mr. Benion stated that the property identified in the resolution had previously been declared unsafe and authorized for demolition. He continued that the resolution authorized the assessment of cost of demolition and removal of debris from the property. He stated that Attachment A identified the owner, the date that Community Development had taken action,

and the cost of demolition and removal of debris from the property. He stated that the cost was \$15,034.21.

Mr. Benion stated that the owner had received a written request for payment and had failed to respond, and that he was requesting that an assessment be placed on the property to collect the cost.

Mr. Benion stated 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 matter.

There was no response.

President Russell stated that the hearing was closed.

Councilman Kling read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of demolishing the property located at 613 Kennan Rd., N.W., as follows:

(RESOLUTION NO. 14-520)

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

President Russell inquired of Mr. Benion as to why the cost on this property was \$15,000, whereas the cost on the previous property was \$2,000.

Mr. Benion stated that on the previous property, it had been just the slab that had been left. He stated that this was

a full house, and it was a hoarding situation, and there was debris all through the house and from the back yard to the back property line.

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 Communications from the Public.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that as a veteran of the United States Army, he was very pleased to report to the public at this time that according to the three sources he had, there had been zero deaths in combat in Afghanistan during the three-week period ending the prior Saturday. He stated that this was the first time he had been able to report this.

Mr. Cox stated that he had been a member of the Huntsville Chapter of Retired Federal Employees for more than 20 years, and that for 13 of those years, he had served as President or Vice President of the Chapter. He stated that at this time he had been tasked to present a resolution to the Council. He continued that Ms. Stamper had a copy of this for each Council member.

Mr. Cox read the resolution as follows: Whereas, the Retirees of the City of Huntsville, Alabama, provided the citizens of Huntsville good and faithful service during their long years of employment with the City; and whereas, today, the general welfare of the retirees of the City of Huntsville is

under great stress in that they have not had a cost of living (COLA) in eight years; and whereas, the Alabama Legislature has authorized the City to fund a one-time bonus for its retirees, based upon length of creditable service, at a rate of \$24 a year times years of service; and whereas, the Huntsville NARFE Chapter 443 of the National Active and Retired Federal Employees, and the third largest chapter in the United States, and celebrating its 60th anniversary this month, does fully support the City retirees in their effort to secure this one-time bonus; now, therefore, Be It Resolved that the Huntsville NARFE Chapter 443 calls upon the City Council of Huntsville, Alabama, to take timely action to approve and fund this bonus for its retirees, in appreciation of their efforts that made Huntsville the city it is today. Approved by the members of Huntsville NARFE Chapter 443 at a membership meeting held in Huntsville, Alabama, on the 12th day of July, 2014; and signed by its President, Cheryl Patterson.

Mr. Cox stated that he wanted to remind the Council that this was not a resolution from the Board but from the membership of the Chapter.

Mr. Cox stated that he would like to recommend that all persons who were running for office the current summer or fall read the opinion in the prior Sunday's Huntsville Times entitled "The Long-term Un-Voter."

Dr. Sam Citrano, Jr., appeared before the Council and introduced his brother, Louis Citrano.

President Russell asked Dr. Citrano to state his address for the record.

Dr. Citrano asked if he could write it down, noting that he would prefer not to give it out publicly.

President Russell agreed that Dr. Citrano could do so, and Dr. Citrano wrote it on the sign-up sheet.

Dr. Citrano stated that they were present as concerned citizens to bring the Council up to date about a house at 706 Ward Avenue. He stated that some persons might be aware of the circumstances concerning this house and others might not, and that he would provide a brief history.

President Russell asked Dr. Citrano if this property was the subject of a current lawsuit. He asked if Dr. Citrano had filed a lawsuit against the City of Huntsville.

Dr. Citrano stated that he had not, that he was just speaking as a concerned Huntsville citizen.

President Russell stated to Ms. Cates that he believed there was a lawsuit concerning this property and asked if it was all right for Dr. Citrano to speak.

Ms. Cates stated that they could listen to what he had to say, but that she did not know that they could necessarily comment.

President Russell asked Dr. Citrano to proceed.

Dr. Citrano stated that this house had been placed on the market in 2007, and that in January of 2010, the house had been struck by a tornado, and that a large tree had fallen on the

rear of the house, through the roof, into the kitchen, bathroom, and bedroom, severely damaging the house and knocking it off its foundation, according to the insurance company, which had totaled it. He stated that the homeowners had been given the option to repair or demolish the house, through notification from Community Development. He continued that, however, the homeowners had to first go before the Historical Board in order to repair or demolish the property. He stated that they had chosen to demolish it. He continued that, from what he understood, they had gone before the Historical Board with this five times and had been denied five times.

Dr. Citrano stated that the reason they were appearing before the Council at this time concerned the amount of tax dollars being spent to defend this case. He stated that it should have been an open-and-shut case with the Historical Board four and a half years prior. He stated that he would also like to point out that there had been many homes demolished in the historical area that had been livable, that had never been hit by a tornado.

Dr. Citrano stated that persons were well aware of two prominent cases the City had had to defend with the Historical Board, and that they had had to settle, but not before an enormous amount of tax dollars had been spent.

Dr. Citrano stated that it seemed to him that if the City had a surplus amount of money to spend on cases like this, they should spend this money to benefit the citizens of Huntsville,

on road repairs, education, and other projects.

Councilman Kling stated that he had met with these gentlemen.

President Russell asked that Councilman Kling keep in mind that there was a pending case concerning this property.

Councilman Kling stated that he would not be speaking concerning the litigation, that he was just commenting as a Council member. He stated that the gentlemen had met with him and that there were a couple of things that had piqued his interest. He stated that there was a document that the property owners had received from the City Community Development Department concerning their property. He stated that if the Community Development Department gave a person a document wanting action taken on their property, he believed that person was supposed to take that action. He stated that he wanted to raise that concern.

Councilman Kling stated that he was staying away from legal matters since President Russell had cut him off. He stated that the property owner was claiming that their block had been included in the historic district against their will and that a majority of the people in their block were opposed to that. He stated that he was aware that there had been annexations that were somewhat parallel to this. He continued that, of course, he realized they were talking about a historic district. He stated that he would raise the question about similar annexations that came in, and then there would be

smaller portions that would de-annex. He stated that perhaps the persons needed to look at that, since they had advised him that everyone on the block had been opposed to being in the historic district. He asked if there would be a mechanism where this individual block could de-annex, similar to the way there had been de-annexations around the Ditto Landing/South Huntsville area. He stated that he had just wanted to raised this matter, noting that he believed someone should look into it. He stated that he would not want to defy the Community Development Department, noting that Mr. Benion was a good man but was very diligent with what he did in the neighborhoods, and that these owners had received a notice from the Community Development Department.

Dr. Citrano stated that the only thing they were concerned with, as citizens, was the amount of tax dollars being spent. He continued that he believed the City should look into that.

Mr. Tom Dozier, 123 Windsor Hill Road, appeared before the Council, stating that he was present representing the retirees of the City of Huntsville, noting that they were at this time requesting, begging, pleading, and beseeching for the one-time bonus that the Alabama Legislature had granted to the cities. He stated that they were requesting that the Council consider this very positively. He stated that he represented not only the retirees who had worked for the City for 30, 35, or 45 years, but that he represented employees who had worked on the back of garbage trucks for 30 years. He stated that he had

met Mr. Bud Robinson several years prior in his back yard on a hot July day, when he was working with a tree cutter, cutting down one of his trees that had been hit by lightning. He stated that he had gone out and given him some water and said, "Bud, what are you doing out here?" And that he had said, "Mr. Tom, I can't make it. I draw \$720 a month from retirement; I get \$360 from Social Security, and I just don't have enough at the end of the month to know whether to pay my rent, my utilities, or the drug bill for my wife, who has been sick."

Mr. Dozier stated that he had talked to Jessie, who had been a custodian for the Municipal Building for more than 35 years, working beside Lily Bell, cleaning and taking out the trash. He continued that he had been asked, "Mr. Tom, are we going to get it?" He said that he had said they were certainly going to try.

Mr. Dozier stated to the Council that the retirees were in a bind, that they needed help. He continued that this would be just a one-time thing. He stated that he was not speaking so much for himself and his wife, noting that they were going to make it, but that he was speaking for those persons who were struggling. He continued that there were a lot of retirees who were struggling. He stated that at the end of the month these persons had to make some terrible determinations, as to whether to pay their rent, their utilities and not have them cut off, or whether to pay the drug bill.

Mr. Dozier stated that this was not something they were just arbitrarily asking for, noting that they had not had anything for more than eight years. He stated to the Council members that they needed some help. He stated that they were asking, begging, and pleading. He asked that they look wherever they needed to look to pull the funds for this one-time bonus.

Mr. Dozier stated that they stood ready to answer any questions the Council might have concerning this matter. He thanked them for the time they had afforded the retirees to address them on this issue at this time.

Mr. James D. Foster, 6518 Mercator Drive, appeared before the Council, stating that his concern at this time was to bring some awareness to the Council and look for an opportunity for some form of enforcement. He continued that he was talking about enforcement of the ordinance they had on record that dealt with debris from grass-cutters in the streets, cut grass from businesses and residences that was left in the streets. He stated that he was concerned because this behavior appeared to be on the increase. He stated that on his way to this meeting that on Winchester there was a church where grass was thrown in the street. He stated that, also, there was an insurance company with the same situation. He continued that he knew this was going to be left.

Mr. Foster stated that what he was looking for was some form of increased awareness and some form of enforcement. He

stated that he had spoken to the Green Team, and that they had ways of enforcing it, but, once again, enforcement was missing. He stated that he was hoping they could get this taken care of because the City was promoted as a city of clean industry. He stated that with this, they were sending mixed messages, and that that just did not work.

Mr. Foster stated that the second thing he wanted to talk about was accidents on the highways around the city. He stated that when accidents occurred and the cars had to be picked up by wreckers, the wreckers would come and pick up the cars and pick up the heavy pieces and put them on the wrecker, but that the glass and metal, et cetera, were swept to the curb. He continued that the officers who were present at the location taking care of the traffic never had the opportunity to notice this. He stated that this might be unimportant until an emergency vehicle would be coming down the street and a driver would have to get over on the side of the road where all this debris had been left. He continued that after the driver would pull off, they would then have to take their vehicle to some tire dealer to get a tire, or two tires, because that would mess up their tires.

Mr. Foster stated that all he was asking was that they put a little bit more awareness on accident scenes, to make sure that the patrolmen made sure that the person picking up the vehicle also cleaned up all the trash and did not sweep it to the curb.

President Russell asked Mr. Hamilton who could assist Mr. Foster with the issue concerning the grass.

Mr. Hamilton stated that he would meet with Mr. Foster concerning this issue.

President Russell advised Mr. Foster that he could meet with Mr. Hamilton after the meeting.

Ms. Jackie Reed, Bob Wallace Avenue, appeared before the Council, stating she would like to thank President Russell for the good job he had done over the years, and noting that he did not have any opposition in the City elections for 2014. She stated that she was proud of him and congratulated him.

Ms. Reed stated that she would like to thank Joy McKee and Mayor Battle for the crepe myrtle that was sitting out in front of City Hall, noting that it was blooming, and she had thought it would die.

Ms. Reed stated that she would like to wish her daughter a happy birthday, noting that although it was her daughter's birthday, she was present at the Council meeting.

Ms. Reed stated that she was aware that there had been a big party in Downtown Huntsville the prior Thursday evening and thousands of persons had been in attendance. She continued that she knew they had taken in a lot of tax dollars and stated that she would like to see them put a four percent raise in for the City employees, as well as some for the retirees.

Ms. Reed stated that she had heard about the duck bridge recently from some outside engineers, not City employees. She

stated that they had said the duck bridge, \$1 million, was back on the agenda. She asked if they were going to bring back Mayor Spencer's duck bridge on Church Street. She stated that she believed they should have a work session and discuss some of these matters.

Ms. Reed stated that she had also heard about the Coca Cola Plant property, that it was going to be for mixed use. She stated that she did not know what they were going to do concerning this, although she kept asking them and never got any answers.

Ms. Reed stated that perhaps they could answer her question concerning who was going to build the new parking garage for Bridge Street, who would be paying for it. She asked if anyone had any idea as to who was paying for what anymore.

Ms. Reed stated that she had her eyes on Holmes Avenue and stated that when they got the Holmes Avenue bridge built, she would like to have City employees get all the grass away from Holmes Avenue, noting that she had been asking for this for 20 years. She stated that they needed to get all the trees and the grass away from the railroad track.

Mr. Dwight Wright, 2005 Kildare Street, appeared before the Council, stating that the three words, "for good cause," were what had kept them from being able to reach an agreement on the fence that was needed to ensure the survival of the Kildare Mansion, property that had been described as the most

important Victorian mansion remaining in the state.

Mr. Wright stated that a year prior, all of the Council members were able to identify good cause to allow him to build a fence in the City right-of-way. He stated that as they had heard from him and his neighbors, and as was evidenced by the 170-plus police reports, good cause for the fence still existed at this time, and was even more relevant.

Mr. Wright asked why, since the reasons to have a fence in the right-of-way were so easily recognizable, would any of the Council members hesitate to include language in the agreement that would require some reason to be stated for its removal. He stated that the language would not prevent the removal of the fence if a problem was indeed determined, that it would simply require it to be stated. He asked if the Council members really found this to be an unreasonable request. He asked why they would want the power or ever have the need to revoke an agreement without good cause. He asked if the Council members would personally be willing to make an investment under such circumstances.

Mr. Wright stated that he could not help but think that there might be a case of miscommunication in this matter, noting that this appeared to have happened many times concerning this issue. He stated that, for example, at the prior Council meeting, when three of the Council members had voted to revoke the agreement, he had learned that it was himself who had broken off the negotiations with the City. He

continued that, however, it was his understanding that no further negotiations or discussions were possible. He continued that when he was presented with the modifications to the agreement, he had been told that that was it, that he could accept it or the license would be revoked. He stated that he would have liked the opportunity to have tried to continue to reach a solution that would support the survival of the Kildare Mansion. He continued that he appreciated the efforts that Councilman Culver had made to try to make that happen.

Mr. Wright stated that he still believed that if they could have a discussion with all the decision-makers present, they could reach a reasonable solution. He stated that he would like to respectfully ask the Council members to work with him to find a way to save Kildare.

Mr. Wright stated that he had been told that since the news of the fate of Kildare had been made known, there had been much public outcry and concern for what might happen. He stated that the citizens of Huntsville had identified a good cause: The survival of Kildare. He asked that the Council members join in and not let the absence of these three words, "for good cause," lead to the loss of Kildare.

Ms. Delila VanLandingham, 2005 Kildare Street, appeared before the Council, stating that in light of the fact that both Mayor Battle and Councilman Showers had been absent at the last City Council meeting when President Russell had joined Councilman Kling and Councilman Olshefski in voting to revoke

the license agreement the entire Council had passed a year prior, she would like to know where they respectively stood on this issue.

Ms. VanLandingham stated that for decades, everyone had heard Councilman Showers advocate for economic development in North Huntsville. She continued that while technically Kildare fell in President Russell's district, it actually was situated in North Huntsville, which she noted everyone was aware began at Oakwood Avenue. She stated that given that North Huntsville arguably did not have as many historic landmarks as other parts of the city, and perhaps given the matter that Kildare's second owner, Virginia McCormick, was a major benefactress to A&M University at a time in history which made her generosity extraordinary, to say the least, and in many circles, downright controversial, one would naturally assume that Councilman Showers, as well as Councilman Culver, who had abstained from voting on this matter at the previous meeting, would have particular interest in the fate of Kildare.

Ms. VanLandingham stated that for the record, she would like to know how Councilman Showers would have voted had he been present at the prior meeting. She stated that looking back on the vote at the prior meeting, it had occurred to her that since a major bone of contention in this issue was the water meters and since Councilman Olshefski had a direct influence concerning them, she wondered why he had not recused himself as he usually did when there was even so much as a hint

of a conflict of interest.

Ms. VanLandingham stated that, also, since this vote had been taken in the absence of Mayor Battle, she would like to hear his position on this issue, that she would like to know if he approved of the manner in which this had been handled, the way they had been dealt with, and if he felt the manner of treatment was to his standard of fairness, transparency, good faith, and good government.

Ms. VanLandingham stated that she wanted to invite the Mayor and everyone else to visit a brand-new web site launched earlier in the day, kildaremanion.com, where there would be the beginning outline of this story, with updates posted daily. She stated that this was their last hope that a clear picture of this situation would inspire the Mayor to intercede and work with them fairly to reach a permanent agreement and solution to this problem that would not result in the demolition of the Kildare Mansion.

Councilman Kling stated that the matter concerning the Kildare Mansion had been carried over for several Council meetings and had been negotiated. He continued that he believed everyone on the Council wanted historic preservation and wanted to see the historic Kildare Mansion to be able to continue and thrive. He stated that he believed the City had been very generous because normally they rarely allowed any building construction on a right-of-way, but that because of the nature of this great resource, they had been working to try

to come up with a way in which there could be construction. He stated that the City was not adversarial to the owner, that all they were doing was trying to protect the interests of the taxpayers, concerning City liability, et cetera. He continued that if someone were in a car wreck and injured because they hit the fence that was on a City right-of-way, the City would be facing this liability.

Councilman Kling stated that there were two options, which he had mentioned at the prior Council meeting. He stated that he was not part of the negotiations, but that from what he could see, Mayor Battle and his staff and President Russell were all working to try to make a special allowance so that the fence could be built on the City right-of-way. He stated that what they had said at the end of the prior meeting was that there were two options that were available within what he believed to be a 60-day period. He stated that No. 1 was to comply with the guidelines the City had put out. He reiterated that the Council was not against the owner, that they were trying to make a concession or allowance and at the same time, protect the interests of the taxpayers.

Councilman Kling stated that No. 2 was to build the fence in further, off the City right-of-way, and on their property. He reiterated that the Council members wanted to see the Kildare Mansion thrive and become a great resource, that they were just trying to come up with reasonable guidelines under a very special circumstance, where they could make a special

allowance for the owner to build on the right-of-way.

Councilman Kling stated that he was comfortable with the situation, reiterating that over the prior several months, the matter had been carried over for quite some time. He stated that he believed President Russell had really gone to bat to work to preserve the house, and that he supported that, and he believed every member of the Council would be in support of the continuation and thriving of the Kildare Mansion.

Mayor Battle stated that his staff had worked several months on this issue and that, most assuredly, everyone in the city of Huntsville would like to see the Kildare Mansion thrive and be the historical home that it could be. He continued that tying the idea that this historical home had to have a 15-foot fence in front of it did not causally link to the preservation of the home. He stated that the persons who owned the home had to have a dedication to keeping the home, keeping it historically sound, and keeping the historical factors in that house that could really be part of that house to make it a historical structure. He stated that putting up a 15-foot fence would cause the citizens of Huntsville to have the liability of something that could happen if that fence came over. He continued that it was constructed of 6x6's, lots of boards. He stated that he did not believe it was fair to the citizens to say that they had to take on the liability for this.

Mayor Battle stated that they would love to have the

historic house saved, to have it be part of the culture in the city, that they believed it was a great asset for the city, but they did not understand why it had to have a 15-foot fence in front of it in order for this to happen. He continued that he believed this was the conversation they had been having for approximately four months, in trying to come to something that would work on this. He stated that the owners had a full right to put up a fence on their property, behind the setback lines, and they could put the fence up anywhere they wanted to on their property, but once it was put on the right-of-way, the City would have some liability that would become the citizens of Huntsville's liability. He continued that this was something that they, as stewards of the citizens' trust, had to watch out for.

Mayor Battle stated that he wished the owners luck with the house, that he hoped the house stayed a historic, functioning house for a long time, but he did not tie a 15-foot fence to the idea that it could be a historical structure, that a 15-foot fence would not make it a historical structure.

Councilman Showers stated that prior to 2012, the Kildare Mansion was in his district, but that after that time, that part of the city was incorporated into District 2.

Councilman Showers stated the question had been asked as to how he would have responded if he had been present at the prior Council meeting on this matter. He stated that his response at this time was that he supported history,

preservation, that the house historically had been in his district, and he continued to support the house. He stated that, however, perhaps they should spend some more time on how they might make this work without a 15-foot fence. He stated that he believed everyone was aware that this had been the sticking point.

Councilman Showers stated he would like to ask those who were concerned about the future of the house to be prepared to come back to the table and talk about how they might resolve the height difference at the location.

Councilman Showers stated that before the Council continued with the agenda, he wanted to note that Mr. Foster, who had spoken during the Public to be Heard, had raised two items, one concerning the grass debris that businesses and homeowners left in the street when they cut their grass, and the other concerning accidents when debris was left in the streets following accidents.

Councilman Showers asked Mr. Hamilton if he would contact the appropriate departments that dealt with pick-ups, impounds, and accidents and see if they could put some more teeth into those who picked up cars that had been in accidents and fenders, glass, et cetera, were left on the side of the street, or sometimes still in the street. He continued that he would like for Mr. Hamilton to share with the Council what they were going to do concerning these matters. He stated that he was aware that they had a contract coming up soon, and that that

would be a good time, prior to it being submitted to the Council, to make this a part of whatever would be presented.

Councilman Kling read and introduced a resolution to reappoint Joyce Griffin to the Museum Board of the City of Huntsville, for a term to expire August 13, 2020, as follows:

(RESOLUTION NO. 14-521)

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

Councilman Showers read and introduced a resolution to reappoint Betty Schonrock to the Von Braun Center Board of Control, for a term to expire August 27, 2018, as follows:

(RESOLUTION NO. 14-522)

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

President Russell read and introduced a resolution to reappoint David Nast to the Museum Board of the City of Huntsville, for a term to expire August 13, 2020, as follows:

(RESOLUTION NO. 14-523)

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

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

Councilman Kling nominated John Burbach for appointment to

the Downtown Redevelopment Authority, for a term to expire July 26, 2020.

Councilman Showers nominated Willie Love for reappointment to the Human Relations Commission of the City of Huntsville, Alabama, Place 2, for a term to expire August 25, 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. 14-524)

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

President Russell inquired of Councilman Kling if there was a Finance Committee Report.

Councilman Kling replied in the negative.

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

Mayor Battle made the following reappointment:

Tami Jordan to the Housing Authority of the City of Huntsville, for a four-year term to expire August 14, 2018.

Mayor Battle stated that Animal Services had done a phenomenal job recently, and he congratulated Mr. Hamilton for the work he had done with them. He stated that during the prior couple of weeks, it had gotten very hot, and there were some problems at Animal Services, and word had gone out through

the news media that there was a big chance they would lose a lot of the animals. He thanked Steve Doyle for the article he had written on the subject and stated that after the article had gone out and after Animal Services had put their feelers out to everyone in the community, they were now down to about 40 animals that were left at Animal Services, and the rest had been either adopted out or put out temporarily, that they were all throughout the community. He stated that the community had responded to this and responded great. He stated that they wanted to tell the community thank you for doing the job they had done, noting that they had helped make this a lot easier. He stated, also, he wanted to say to the folks in Animal Services that they had done a great job and thanked them for stepping up and really working hard to make sure they could take care of the animals.

Mayor Battle stated that if persons had missed the Concert in the Park the prior week, they had missed a great event, noting that there were hundreds of persons in attendance.

Mayor Battle stated that on the following Saturday, the Council of PTA's would meet and discuss what the PTA's would be doing in the schools in the current year. He stated that this was a dedicated group of parents and grandparents, as well as persons who just had an interest in the school system, who came out to work with the school system to make it better. He stated that he wanted to say thank you to the persons who did this and spent their Saturdays out trying to make the city have

a better school system, a better education system.

Mayor Battle stated that Westlawn, Butler, and University Place schools would have their Community Day on the following Saturday, from 9 to 1, at Westlawn, on 9th Avenue.

Mayor Battle stated that Armed Forces Week would commence the following week, that it would be August 3 through August 9, and there would be lots of events honoring the Armed Forces and all they did for persons in the community.

Mayor Battle stated that over the prior five or six days, they had considered proposals on the Holiday Inn site. He continued that they had had four proposals and had spent approximately an hour or an hour and a half on each of these proposals, noting that there were some great proposals from some great development teams from throughout the Southeast. He stated that he believed they had made some real progress on this, but they were still four to six weeks out from being able to negotiate a final agreement. He stated that most of these proposals were projecting finishing construction at the end of the 2016 or the early 2017 time period. He stated that they were all very good mixed-use developments, which he noted would be an enhancement for the area around the park.

Mayor Battle stated that the Redstone Chapter of AUSA, the Association of the U.S. Army, had again been named Chapter of the Year, noting that this was perhaps the 10th year in a row that they had received this honor. He congratulated them for this, stating that their relationship with Redstone Arsenal and

with the Army and with the active Army in the community did not go unnoticed. He stated that persons said time and time again when they went to places such as the Farnborough Airshow and talked to businesses, that Huntsville businesses supported the armed forces so well and that they also partnered with the local government. He stated that this made a difference, and that this was the reason the City got the SES announcement of 450 jobs, the GE Intelligent Platforms announcement of 120 jobs, the Northrop Grumman announcement of 80 jobs, the Boeing Center of Engineering Excellence announcement of 400 jobs, and the Remington announcement of 2,000 jobs. He stated the reason this community did well was because they partnered well, that they teamed and worked together.

Mayor Battle reiterated that he would like to again congratulate the Redstone Chapter of AUSA, noting that they had a great legacy of awards that were great for the city, especially when they would have AUSA in the city for the second year in a row.

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

Councilman Culver stated that he wanted to address the gentleman who had spoken earlier, Mr. Dozier, as well as Mr. Dorning. He stated that he was hearing the same things that Mr. Dozier had said concerning the retired employees, noting that they were employees who had given their lives to the City of Huntsville, and who had retired and were drawing

six or seven hundred dollars a month. He stated that although these persons had retired several years prior, they certainly deserved whatever the City of Huntsville could do for them. He stated that he was looking to at least introduce an ordinance that would allow the City to give them the bonus under discussion, the \$24 per year times the number of years they had worked, or \$2 per month that they had worked. He stated that he believed this was the least they could do for these retired employees.

Councilman Culver stated that he had noticed that the inmate labor crews and supervisors were out, and that they had cleaned North Memorial Parkway, South Memorial Parkway, and I-565. He stated that this was free labor that the City got from the inmates, who were supervised by City of Huntsville employees, the inmate labor supervisors.

Councilman Culver stated that he had been getting a lot of emails relating to the abortion clinic's possible move into District 5. He stated that he would be holding a town hall meeting as soon as he could work out the location, date, and time. He stated that the purpose of the meeting would not be to discuss issues that had already been regulated by law, i.e., whether they were going to allow an abortion clinic, whether abortion should be legal. He stated that they would not be addressing any of these concerns, that what they would be looking at would be whether or not it would be the best use of a facility to have that type entity in proximity to schools,

namely, Ed White and Highlands Elementary.

Councilman Culver stated that he would be inviting the pro-life and the pro-choice, and that he would invite the City Legal Department. He stated that he was aware they could no longer hold public hearings on this matter because it had already been held and litigated, that he believed this had happened back in the '90s. He stated that while there was nothing they could do as a Mayor and Council to stop that, he did want to try to appeal to the owner's conscience as it related to location. He continued that his biggest concern was the location.

Councilman Culver stated that he would get back with the general public on this. He stated he would also invite the owner of the business to attend the meeting, as well. He stated that it would be a town hall meeting, so that they could discuss everything surrounding this matter. He stated that he had not been able to respond to all the emails he had received concerning this matter because his box was full. He stated that, however, he wanted these persons to know that he was reading the emails and hearing what they had to say concerning this matter.

Councilman Kling stated that he would like to thank all the persons who had attended his town meeting on the prior Monday evening, noting that it was a small turnout, but that what they lacked in numbers, they had in quality. He expressed appreciation to all the department heads who had followed up on

the requests that had been made at that meeting.

Councilman Kling stated that prior to the next Council meeting, there would be the citywide Community Watch National Night Out at John Hunt Park. He commended the Police Department for the great work they did working with the Community Watch chapters. He stated that there were at this time more than 180 chapters of Community Watch throughout the city. He stated that if one did the math, one could figure out the tens of thousands of volunteer man hours that each of these chapters was contributing to the city to make it safer. He stated that this was a great partnership. He stated to Chief Morris that he really appreciated the great job the Police Department did working with these groups, noting that there was a great relationship and good lines of communication.

Councilman Kling stated that a couple of months prior, there had been a meeting with School Superintendent Wardynski and approximately six neighborhood civic associations concerning the aftermath of the rezoning and actions that had taken place, the fact that there would be closed schools, and the concerns that the respective neighborhoods and he had expressed about the impact of the closed schools on the neighborhoods.

Councilman Kling stated that there had been a very positive discussion with Dr. Wardynski at that meeting, and that he had been working very diligently to bring good outcomes to the empty buildings. He continued that there was a great

announcement that had taken place very recently, where West Huntsville Elementary School, which had recently been sold, would become a start-up for innovative businesses. He continued that he had heard persons in the neighborhood refer to this as "HudsonAlpha, Jr." He stated that the people in the Lowe Mill neighborhood were very excited and very appreciative of the work the School Board and the Superintendent had done to bring a neighborhood friendly outcome to that empty school building.

Councilman Kling stated that he was aware there had been some efforts that had been going on on several fronts, with Stone Middle School and also with the Butler High School. He stated that hopefully these efforts would continue and there would be some good announcements concerning these that would take place in the future.

Councilman Kling stated that the neighborhoods were appreciative of the fact that attention and concern were being given to empty school buildings, and trying to find good outcomes that would help the neighborhoods continue to grow and move in a positive direction.

Councilman Showers stated that he was delighted to announce that on the prior evening at Union Chapel Missionary Baptist Church, they had had the Community Unity meeting. He continued that this was very well attended. He stated that one of the media sources had indicated there were approximately 200 persons present, but noted that this was incorrect, that

there were closer to 1500 persons that had attended that meeting. He stated that Dr. O. Wendell Davis was the host pastor for the meeting and that Dr. Julius R. Scruggs was the Unity speaker. He stated that Dr. Scruggs had talked about love and mercy and that he had climaxed his message with "Go." He stated that that was not just for North Huntsville but also for South Huntsville, that they should all come together for the common cause for this great city.

Councilman Showers stated that there were tasks, opportunities, presented for those who were present, and that there were a number of persons who signed up for the various tasks that they were going to be dealing with as they moved forward. He stated that Mayor Battle was present at the meeting. He continued that, of course, they had invited other persons, as well, and they were delighted with the support they received.

Councilman Showers stated that he would like to read the five areas that they had persons who were interested in working in this unity effort. He stated that No. 1 was education, and then social justice, crime prevention, economic empowerment, political awareness, and then, finally, the family. He stated that at the end of the meeting, there was an opportunity where persons contributed to support a community defense fund. He stated that these funds would be used to make sure they could fund the necessary legal representation. He stated further that they were delighted with the response on this. He stated

that they would continue to communicate to the public their position, their needs, as related to where they were moving the city and the school board in the city of Huntsville.

Councilman Showers stated that everyone was aware that the Judge and the Mediator were looking at an opportunity to show transparency as discussions were being done on how they might get the zone lines and how they might soon approach the opportunity to show Huntsville as having one school system, unitary status. He stated that, of course, the Judge had outlined how this mediation would take place.

Councilman Showers stated that he wanted to say to the public that it might appear, based on the articles the Judge had submitted to the public, that a lot of the discussions would be held close to those who were part of the mediation team, but, yet, the opportunity to know what was going on would be made available.

Councilman Showers stated that he was delighted that Jennie Robinson was in attendance at the Council meeting, noting that she had been attending most of the Council meetings, and that he just wanted to acknowledge her.

Councilman Showers stated that he wanted to state to the Council members, Mayor Battle, and others that there would be a ribbon-cutting at the Rocket City Credit Union, 2200 Clinton Avenue, on the following Tuesday, at 10 a.m., and that everyone was invited to attend.

Councilman Olshefski thanked Mr. Cox for the great update,

stating that it was great to finally hear the zero number.

Councilman Olshefski stated to Chief Morris that he certainly appreciated the great work that Corey Harris and his team had done on the streets where he was having all the problems with speeding, et cetera, and that he would like for him to pass that on to them. He stated that Richard Kramer's staff had also helped him out on that, as well, and that he appreciated that help.

Councilman Olshefski stated that they had a Planning Commission member, Sharon Tyson, who was one of the best volunteers he could imagine to work for the community, and who had been a sounding board for him, that was moving to Arizona. He stated that she would be greatly missed, that she was a hard charger and a great volunteer. He stated that he just wanted to say to her publicly that she was a star and would be greatly missed.

Councilman Showers stated to Chief Morris that he wanted to thank him for the support he had given them the prior evening, with officers on the street and officers at the function. He stated that everything had gone well, that traffic was controlled, that there were a lot of people there, but that Chief Morris had had personnel there to take care of it. He thanked him on behalf of the Unity Committee.

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

Councilman Showers moved for approval of Ordinance

No. 14-494, annexing land lying on the east side of Mooresville Road and on the north side of Huntsville Browns Ferry Road, which ordinance was introduced at the July 10, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-494)

Said motion was duly seconded by President Russell.

President Russell asked Ms. Nichols for an explanation of the above ordinance.

Ms. Nichols stated that the subject property was approximately .69 acre and was located on the east side of Mooresville Road and the north side of Huntsville Browns Ferry Road. She stated that it was currently vacant land and that the proposed future use was commercial development. She stated that the petitioner was requesting annexation for city services.

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

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

President Russell read and introduced an ordinance amending Section 22.14, Conference and Travel, of Ordinance No. 04-315, Personnel Policies and Procedures Manual, as follows:

(ORDINANCE NO. 14-525)

President Russell moved that unanimous consent be given for the immediate consideration of and action on said

ordinance, which motion was duly seconded by Councilman Showers, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

President Russell stated that the motion for unanimous consent for immediate consideration of and action on said ordinance had been unanimously carried.

President Russell thereupon moved that said ordinance be finally adopted, which motion was duly seconded by Councilman Showers.

President Russell asked Mr. Byron Thomas, Director of Human Resources, for an explanation of the above ordinance.

Mr. Thomas stated that this was an amendment to the Conference and Travel Policy in the Personnel Policies and Procedures Manual. He stated that many times they had to update their policies with regard to State and Federal law, especially with the IRS laws, and that this was just an update.

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

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement with the Alabama Emergency Management Agency for Grant No. 3ICL, as follows:

(RESOLUTION NO. 14-526)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement with the Alabama State Law Enforcement Agency for Emergency Management Performance Grant, as follows:

(RESOLUTION NO. 14-527)

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

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the Workers' Compensation claim of Phillip Cooper, as follows:

(RESOLUTION NO. 14-528)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Partial Release of Restrictive Covenants between the City of Huntsville and the

Land Trust of North Alabama, Inc., for property on Chapman Mountain necessary for the Highway 72 East widening project, as follows:

(RESOLUTION NO. 14-529)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an Environmental Covenant for the former Chrysler/Acustar site at 103 Wynn Drive to facilitate the sale of said property to Calhoun Community College, as follows:

(RESOLUTION NO. 14-530)

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

President Russell read and introduced a resolution authorizing the Huntsville and Madison County Railroad Authority to borrow \$125,000 from First Commercial Bank, as follows:

(RESOLUTION NO. 14-531)

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

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

City of Huntsville and the Alabama Department of Economic and Community Affairs, Law Enforcement Traffic Safety Division, for the 2014-2015 Madison Morgan County Strategic Counterdrug (STAC) Team grant, as follows:

(RESOLUTION NO. 14-532)

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

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

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. 14-533)

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

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

(RESOLUTION NO. 14-534)

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

and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Stormwater Detention Facilities Maintenance Agreement with Hylis, Inc., for Clarkston Square Apartments, as follows:

(RESOLUTION NO. 14-535)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Stormwater Detention Facilities Maintenance Agreement with Work Force Housing, L.L.C., for Legacy Hill Apartments, as follows:

(RESOLUTION NO. 14-536)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with S&ME, Inc., for Environmental Consulting Services for Sockwell Ditch Improvements, Project No. 65-14-DM34, as follows:

(RESOLUTION NO. 14-537)

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

President Russell read and introduced a resolution

authorizing the Mayor to enter into an agreement with Barge, Waggoner, Sumner & Cannon, Inc., for Engineering Services for Epworth Connector Corridor Study, Project No. 65-14-RD09, as follows:

(RESOLUTION NO. 14-538)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and New Futures, Inc., for their Homeless Children Tutoring and Mentoring Program, as follows:

(RESOLUTION NO. 14-539)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Harris Home for Children, Inc., for their Basic/Crisis Program, as follows:

(RESOLUTION NO. 14-540)

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

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

City of Huntsville and The National Children's Advocacy Center, Inc., for their Child Abuse Intervention Program, as follows:

(RESOLUTION NO. 14-541)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821618 for Sanders Hill at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-542)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821659 for Oakshire at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-543)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000505931-R for Carriage Station Phase 1 Subdivision, as follows:

(RESOLUTION NO. 14-544)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821579 for Old Cove at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-545)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821611 for The Villages at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-546)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000812633 for Kenthurst at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-547)

President Russell moved for approval of the foregoing

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821661 for McMullen Place II at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-548)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Servis1st Bank Letter of Credit No. 12020 for Valleybrook Subdivision, as follows:

(RESOLUTION NO. 14-549)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1121 for Iredell Phase 1 Subdivision, as follows:

(RESOLUTION NO. 14-550)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Servis1st Bank Letter

of Credit No. 13780 for Hawk's Ridge Estates, as follows:

(RESOLUTION NO. 14-551)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1151 for Oak Grove at Farley Farm Phase 1 Subdivision, as follows:

(RESOLUTION NO. 14-552)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821655 for Sotheby at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-553)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821657 for McMullen Place at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-554)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821647 for Braewick at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-555)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000821641 for Abby Glen at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 14-556)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400512200 for Watercress Phase 3, as follows:

(RESOLUTION NO. 14-557)

President Russell 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 authorizing the Mayor to execute a Purchase Contract with the City's underwriters in connection with the sale of General Obligation Refunding Warrants, Series 2014-A; General Obligation Public Safety Facility Refunding Warrants, Series 2014-B; and General Obligation School Refunding Warrants, Series 2014-C, in an amount not to exceed \$90 million, subject to ratification and approval by the City Council prior to issuance of the warrants, as follows:

(RESOLUTION NO. 14-558)

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

President Russell asked Mr. Randy Taylor, Director of Finance, for an explanation of the above resolution.

Mr. Taylor stated that this was a follow up to an item that had previously been reported to the Council, concerning the potential refinancing of debt, which he noted would provide savings to the City. He stated that they had been watching this for a number of months and were at this time prepared to actually attempt to sell the debt and bring to the Council a proposal to approve the issuance of the warrants.

Mr. Taylor stated that the Council would be familiar with this item from prior deals, noting that because of the way in which the markets worked, whenever the City went into the market and obtained pricing and arranged an agreement with the

underwriters, the Council would be authorizing the Mayor to approve the agreement with the underwriters. He continued that the Council would have to ratify this later, but that this would allow some of the technical aspects of actually pricing it and making the agreement with the underwriters work. He stated that the Council would have final approval, that the City would not be borrowing any money until the Council approved it in a regular Council meeting. He stated that because there were three weeks between this date and the next Council meeting, they expected to be in the market pricing this before the next Council meeting, if conditions remained as they were at this time. He stated that they believed it would actually be during the week of the next Council meeting.

Mr. Taylor stated that the Council, by this action, would authorize Mayor Battle to sign the agreement, and then they would come before the Council at a regular meeting, and say, "Here is the deal for the City. Do you approve?" He stated that this was the manner in which all of these had been handled in the past.

Mr. Taylor stated, concerning the nature of this deal, that President Russell had read off a long list of series. He continued that there were three components to the issue they were planning, noting that some of the debt was the City's that had been issued for the Capital Improvement Plan over a number of years, and that some of the debt was issued by the Public Building Authority for the construction and expansion of the

Public Safety Center. He stated that that debt was actually issued by the Public Building Authority, and that the City had to make a lease payment to the Authority to make sure that the debt service payments were made.

Mr. Taylor stated that the circumstances at this time were such that it made economic sense for the City to replace some of that debt with debt of its own. He stated that approximately \$17 million was eligible for that kind of treatment, and the interest rate savings were substantial, between six and seven percent, because it was easier for the City to borrow money, and therefore less costly, than it was for the Public Building Authority to borrow money. He stated further that rates had dropped since they had issued the Public Building Authority debt. He continued that this was the "b" component.

Mr. Taylor stated that the "c" component was a refunding of part of the City of Huntsville School debt that the City had issued for school building and expansion. He stated that they were isolating these because of the different purposes he had just described.

Mr. Taylor stated that overall, as of the current interest rate, they believed that approximately \$3.5 million in savings would be made available to the City by lowering the interest rate, and that approximately \$500,000 would be available in savings to the School Board, all of which would be reductions in their future debt service.

Mr. Taylor stated that this was approximately a 5.7 percent savings rate and that their policy required that they save at least 4 percent. He stated that at this time rates were good in that regard, so that they were proceeding, assuming that they were going to hold. He stated that even if the rates moved somewhat and some savings were lost, it would still make economic sense because of the 5.7 percent he had just described.

Mr. Taylor stated that they were using the same syndicate of underwriters they had used in the past, the four members of that syndicate. He continued that they had already approached the rating agencies and made their request for ratings, noting that this was by way of telephone conferences a couple of weeks prior. He stated that they were waiting to hear from this, and that the Council would be the first to hear these results.

Mr. Taylor stated that this was simply a refinancing, that they were not borrowing any new money for any new projects, that it was just to reduce the Debt Service cost because of lower interest rates.

President Russell asked Mr. Taylor if he would explain the line "not to exceed \$90 million."

Mr. Taylor stated that he had intended to do that, that that was a good question. He stated that at this time the amount of money they expected to borrow was approximately \$72 million, and that this would refinance approximately \$70 million worth of debt. He stated that the \$90 million was

in there because if rates were to drop further in the next week to two weeks, and they were in the market, then other amounts of debt might become economical to refinance, as well. He stated that they just needed a little bit of room because the Mayor could not sign an agreement for more than what the Council would be authorizing by this action.

Councilman Showers asked if the dollars were built into this to assist with the new schools, one in the north and one in the south.

Mr. Taylor replied in the negative. He stated that the City had borrowed money twice in recent years to fund the building program that was currently taking place. He stated that this was all new money, that they had borrowed the money and had given it to the schools. He stated that the prior year it was approximately \$80 million, which he noted was provided in the fall of 2013.

Mr. Taylor stated that what they were discussing at this time was simply reducing the interest rate on money that had been borrowed for the school system in the past. He stated that it would reduce the amount of 6.5 mill school tax that must be used to pay the debt service by approximately \$500,000, but that it would not add any additional money to their building program.

Councilman Showers stated that there had been a presentation the prior week about the new Jemison High School and the McNair School. He stated that on the east side of that

acreage was a ditch, and that the engineer who was presenting the information had noted that there was no inclusion of putting in a walking bridge for students to cross that ditch at that particular point where the footprint was going to be. He asked who would be responsible for coming up with the capital money to take care of the bridge that they would need to have across the ditch.

Mr. Taylor stated that that would be the Board of Education. He stated that the City borrowed money on behalf of the School Board when they were requested to do so, and that they had borrowed as much as could be borrowed the prior year to fund the program. He stated that he was not privy to the current details of their Capital Plan, how they had allocated all that money. He stated that none of what was before the Council at this time would necessarily be relevant to that.

Councilman Showers stated that he would hope that monies would be made available to accommodate the need on the east side of the McNair/Jemison site for this. He stated that he had heard Mr. Taylor say that this was a Board responsibility, but stated that he hoped they would deal with that site just as they were dealing with the other sites, that if they could assist in that, he certainly hoped the opportunity would be there, so they would not have children going out in ditches to go to school. He stated that if they did not do this, then children that lived in that neighborhood on the east side would have to go all the way down Lumary Drive to Winchester Road to

Pulaski Pike to come to the school, when they could go across the ditch and save all that travel. He stated that he believed the School Board members were well aware of this and that he hoped it would be worked out.

President Russell stated to Councilman Showers that the Council was discussing refinancing at this time, that they should keep their comments germane to the subject.

Councilman Showers stated that his comments pertained to the financing.

Councilman Kling asked Mr. Taylor if when these types of refinancings were done, it was a safe assumption to say that the rating agencies would look at it as they were being good stewards with the taxpayers' money because they were saving money by doing this.

Mr. Taylor replied in the affirmative, stating that anyone should come to that conclusion, noting that they were going to save a significant percentage of the outstanding principal, almost 6 percent, and that it would be approximately \$4 million.

President Russell called for the vote on Resolution No. 14-558, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Purchase Agreement between the City of Huntsville and Green Mountain Volunteer Fire Department, Inc., for the purchase of real property, as follows:

(RESOLUTION NO. 14-559)

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

President Russell asked Chief Howard McFarlen of Huntsville Fire & Rescue for an explanation of the above resolution.

Chief McFarlen stated that this was an agreement for the purchase of property that was being utilized at this time by the Green Mountain Volunteer Fire Department. He stated that the top of Green Mountain was in the city of Huntsville, but since the late '60s or early '70s, they had had a volunteer fire department there that had done a great job. He continued that they had worked in conjunction with the Volunteer Fire Department to form a plan that would help to better protect the area.

Chief McFarlen stated that the facility on the property that was proposed to be purchased was what the Volunteer Fire Department was using at this time. He stated that at some point, the City would put a completely manned station on Green Mountain, and that this property was geographically in the correct location for such.

Chief McFarlen stated that this purchase would allow them to man the current facility if needed, noting that this might be necessary in the winter if there were to be an ice storm, etc. He stated that, also, they could lease it back to the

Volunteer Fire Department, so that they could continue to operate. He stated that they were working together on this.

Councilman Olshefski stated that this was something that should have happened a long time back and that he appreciated all the effort that Chief McFarlen had put into this. He stated that he certainly hoped that in the future there would be a full-fledged location there, with the greatest volunteers they could possibly have.

Councilman Showers inquired as to the cost of this transaction.

Chief McFarlen stated that he believed it was \$105,000.

Councilman Showers asked if in the future, this would be a site where the City would have a unit.

Chief McFarlen replied that at some point it would. He stated that what they had there at this time was a facility that only held the trucks, that there were not any restroom facilities, et cetera. He stated that the Volunteer Department up there had had the wisdom to purchase the house next door to this location, which gave them the ability to house persons and have facilities there, so that they could have people temporarily there. He stated that his vision, long term, for the future, was that they would build a typical style station at some point, such as they had in other areas.

Councilman Showers asked if they had another site any place around the city that was similar to this site, a volunteer site.

Chief McFarlen replied in the negative, stating that this was the only volunteer department inside the city of Huntsville.

President Russell called for the vote on Resolution No. 14-559, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Lease Agreement between the City of Huntsville and the Green Mountain Volunteer Fire Department, Inc., for the leasing of facilities, as follows:

(RESOLUTION NO. 14-560)

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 read and introduced a resolution authorizing the Mayor to execute Change Order No. 3 and Final to the agreement between the City of Huntsville and Consolidated Construction Company, Inc., for the North Public Safety Complex, located at 4014 North Memorial Parkway, as follows:

(RESOLUTION NO. 14-561)

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

President Russell asked Mr. Chris O'Neil, Facilities Project Manager, to describe the project and advise if it was on time and on budget.

Mr. O'Neil stated that this was the North Public Safety Complex, which he noted included the North Police Precinct. He stated that the building was complete, and that the contractor, Consolidated Construction Company, and the subcontractors had finished the project on time and on budget. He stated that this was the third and final change order, and that it was some additional landscaping sod out front, as well as behind the building. He continued that it also included the repair and replacement of the Fire Station No. 8 driveway. He stated that the total amount was \$10,875.

Councilman Showers asked Mr. Hamilton what the date was for the grand opening at this site.

Mr. Hamilton stated that the date had not actually been set but that there should be an announcement on this fairly soon.

Councilman Showers stated that since there was a unit on A&M's campus, with a chief and officers on the campus, if he would look into their being involved in the grand opening.

Mr. Hamilton stated that he would certainly do so, noting that the President of the University had been involved in the ground-breaking ceremony, and that they would certainly continue that tradition with the ribbon-cutting.

President Russell called for the vote on Resolution No. 14-561, and it was unanimously adopted.

Councilman Showers read and introduced a resolution declaring Mark Russell elected to the Office of City Council,

District No. 2, for the City of Huntsville, Alabama, as follows:

(RESOLUTION NO. 14-562)

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

President Russell stated that he would abstain from voting on this matter.

Councilman Olshefski stated that he thought this was phenomenal, and that they were proud of President Russell.

Councilman Kling congratulated President Russell.

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

AYES: Culver, Olshefski, Kling, Showers

NAYS: None

ABSTAIN: Russell

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

President Russell read and introduced an ordinance authorizing the vacation of a portion of a 10-foot Utility and Drainage Easement along the rear lot line of 2616 Park Hampton Drive, as follows:

(ORDINANCE NO. 14-563)

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

President Russell read and introduced an ordinance authorizing the vacation of portions of three Utility and Drainage Easements to combine Lots 1, 2, and 3, in the Resource Center Subdivision in Research Park, 7010 Governors Drive West, as follows:

(ORDINANCE NO. 14-564)

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

President Russell read and introduced an ordinance authorizing the vacation of Utility and Drainage Easements along the northeast corner of Lot 2, West Ridge First Sector, 500 Providence Main Street, as follows:

(ORDINANCE NO. 14-565)

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

President Russell read and introduced an ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 16, Grande Highlands, 2716 Muirwoods Drive, as follows:

(ORDINANCE NO. 14-566)

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

President Russell read and introduced an ordinance authorizing the vacation of Utility and Drainage Easement,

Lot 17, Grande Highlands, 2717 Muirwoods Drive, as follows:

(ORDINANCE NO. 14-567)

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

President Russell read and introduced an ordinance authorizing the vacation of Utility and Drainage Easements, Lot 2, Capital Park, as follows:

(ORDINANCE NO. 14-568)

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

President Russell read and introduced an ordinance authorizing the vacation of Utility and Drainage Easements, Lot 3, Capital Park, as follows:

(ORDINANCE NO. 14-569)

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

Ms. Cates submitted the following deed for approval:

(DEED)

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

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

Mr. Jerry Cox again appeared before the Council, stating that there was a display in the lobby of the Municipal Building, he believed from the Office of Multicultural Affairs, and that it had a section entitled "Russia." He stated that considering the incident recently in Ukraine, where it was almost certain that a Russian missile had shot down an airliner, causing tremendous loss of life, that it was not only appropriate but necessary that the Russian section be removed from the display.

Councilman Kling stated that there was a boy scout in the audience and that he would like for him to go to the microphone and put his name in the record as being in attendance at the meeting.

Gregory Englund appeared before the Council, stating that he was working on his Citizenship in the Community badge.

President Russell welcomed him and stated that if the Council members could help him in any way, to see them after the meeting.

Mr. James Foster again appeared before the Council, stating that he had a third item he wanted to bring up that he had not wanted to confuse with the first two he had spoken about earlier in the meeting. He stated that he wanted to speak concerning street sweeping, noting that he was aware that this had been reduced. He stated that he had spoken to Mr. Hamilton about this matter, and that he was going to look into it, but he just wanted everyone to be aware of it.

Mr. Foster stated that since they had reduced this and did not have enough equipment to do street sweeping completely, he felt that in the areas where there were parked cars, they should cease and desist sweeping such streets. He continued that what happened in such situations was that they swept the trash from one neighbor's yard up to where cars would be parked, and then the sweeper would go around and leave that debris there. He stated that there were some areas where cars were uniquely parked all the time, and that this continued to be another area of debris in a neighborhood. He stated that he just felt they should stop this until they found a nice way of saying, "In this district, through this month, streets will be swept, and cars will be moved, or otherwise they will be ticketed."

Mr. Foster stated that if they were going to sweep a street, that it should be swept.

Mr. Dwight Wright again appeared before the Council, stating that he appreciated the comments that Councilman Kling, Councilman Showers, and Mayor Battle had made concerning the comments he had made earlier, noting that during his comments, he had said he was afraid they had a lack of communication, or that they had not communicated clearly. He continued that he believed their comments had verified his suspicion, because from what they said, he had gotten the idea that they thought there was still discussion concerning the height of the fence and the liability issue, and that he thought they had worked

through all that, that he thought the height of the fence had been settled at eight feet, and that the City and himself were agreeable to that. He continued that as far as the liability issue was concerned, he thought the offer to add the City of Huntsville as an additional insured under his policy covered that, because it was his understanding that the amount being discussed was even above what the City carried. He continued that he had not heard that that would not cover the City in the event of an accident, and that he was under the understanding that that would, indeed, take care of the liability issue. He stated that that was what his lawyer had explained to him, and that he had not heard otherwise, so that he thought those issues had been cleared.

Mr. Wright reiterated that after hearing the comments that had been made, it appeared to him that they still did not have a clear understanding, that they were not communicating effectively. He stated that if Councilman Kling thought those issues remained, perhaps he had not known when he voted on the matter at the prior meeting that they had been resolved.

Mr. Wright stated that, in his mind, the only thing that was still outstanding, the only thing that they had not reached an agreement on, was the one issue about the "at-will" clause for the revokable part of the license, that it could be revoked at will, as opposed to having a "good cause stated."

Mr. Wright stated that he felt they needed to sit down and make sure everybody was on the same page and had a clear

understanding, because there was a lot at stake.

Mr. Wright stated, concerning Mayor Battle's statement that it was difficult to see the tie between the importance of the fence and the restoration or the survival of Kildare, that he understood that, and that was why he felt this communication was necessary. He stated that if he did not know the whole story and understand the layout of the property and the history of the neighborhood, he would not understand the matter either. He continued that it was not a simple thing to understand, that it was not something that could be covered in the three minutes that were available at a City Council meeting, that he did not even know if it could be discussed in three hours.

Mr. Wright stated that it looked like this was such a simple issue, that it was just talking about a fence, but that there were so many aspects to it, so many facets to it, which far removed it from being a simple issue.

Mr. Wright stated that he believed they owed the citizens of Huntsville and they owed the survival of Kildare the opportunity to discuss the matter a little more, to make sure that everyone understood what they were talking about, to make sure they all understood what had been discussed. He reiterated that he thought what he had mentioned earlier had all been discussed and run up the chain, that it had all been discussed with everyone, but from the comments that had been made, it appeared that was not the case.

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