

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JULY 28, 2016

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, July 28, 2016, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Culver
Councilpersons:	Russell, Robinson, Kling, Showers
Mayor:	Battle (Not present at beginning of meeting)
City Administrator:	Hamilton
City Attorney:	Riley
City Clerk-Treasurer:	Benion

President Culver called the meeting to order.

Chaplain Frederick Woods led the invocation;
Councilwoman Robinson led the pledge of allegiance.

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

The minutes of the Regular Meeting of the Council on July 14, 2016, were approved as submitted.

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

President Culver recognized Mr. Hamilton, stating that he would be acting on behalf of Mayor Battle.

Mr. Hamilton stated that Mayor Battle had another event to attend, welcoming some persons to the community, and that he would be in attendance later in the meeting. He stated that it was his honor to serve in his stead at this time.

Mr. Hamilton asked Mr. Steve Ivey, Director of Parks and Recreation, to come forward, along with Ryan Ford.

Mr. Hamilton stated that it was an honor to be able to again recognize Ryan Ford, stating that regular attendees at the Council meetings would notice that he was again being recognized for his outstanding athletic accomplishments. He continued that he would let Mr. Ivey comment on this.

Mr. Ivey stated that at the prior meeting where Ryan had been recognized, he did not feel he had gotten all the accolades he deserved. He stated that the prior time Ryan had been before the Council was after he had won the 4A State record in Cross Country at the Jesse Owens Course in Moulton.

Mr. Ivey stated that Ryan was being honored at this time for two State records: The 16 meter, in 4 minutes and 17 seconds, which he noted was the fastest time in the state in all classifications; and the 32-meter, in 9 minutes and 25 seconds, setting a new 4A State record, and the second fastest in all classifications.

Mr. Ivey stated that in the fall, Ryan would be attending the University of Tennessee in Martin, on a track scholarship. He continued that in 2015, Ryan was the Metro Runner of the Year and also the Huntsville Track Club Runner of the Year.

Mr. Ivey stated to Ryan that they were all very proud of him and presented him a certificate from the City.

Mr. Hamilton asked Mr. Jay Webb, also known as "Zero Sugarfoot," to come forward.

Mr. Webb came forward, along with other clowns in the audience.

Mr. Hamilton stated that the following week was International Clown Week, and it was the City's honor to recognize International Clown Week and celebrate it all of the following week.

Mr. Hamilton presented a proclamation declaring August 1-7, 2016, as International Clown Week to Mr. Webb. He asked that he comment on why this was so important.

Mr. Webb stated that International Clown Week had been started in 1970, signed into law by President Richard Nixon. He stated that he had decided recently that there should be a celebration in Huntsville for International Clown Week, and this was what they were going to do. He stated that during the week, there would be clowns out and about in various places in Huntsville. He expressed appreciation for the proclamation.

President Culver stated that it would be a very special week and thanked the clowns for being in attendance at the meeting.

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

President Culver stated that there would be a Personnel Hearing on the following Monday, August 1, at 5 p.m., in the Council Chambers.

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

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-403, zoning newly annexed property lying on the east side of Weatherford Drive and on the north side of Harbin Road as Residence 1-A District, which hearing was set at the June 9, 2016, Regular Council Meeting.

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

Ms. Nichols stated that the above property was approximately .48 acre and was newly annexed land, located on the east side of Weatherford Drive and the north side of Harbin Road. She continued that the proposed zoning designation for the property was Residence 1-A District, which she noted was consistent with the remaining property located in the Hermitage Place Subdivision. She stated that the Planning Commission had recommended approval of this ordinance.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, inquiring as to the benefit of having this

particular zoning changed. He asked why this had been brought before the Council.

President Culver asked Ms. Nichols if she would address Mr. Timberlake's inquiries.

Ms. Nichols stated that initially when the Hermitage Place Subdivision had been developed in 2006-2007, the subdivision was within the county, and that during a later phase of the subdivision, the property owner had decided to annex the remaining portions of the subdivision within the city limits of Huntsville. She continued that there were approximately 20 homes that were still in Madison County's jurisdiction. She stated that the subject property was actually annexed back in April and had had no zoning designation, so this was newly zoned property. She stated that the property owner had requested annexation for City services.

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

There was no response.

President Culver stated that the public hearing was closed.

Councilman Russell moved for approval of Ordinance No. 16-403, zoning newly annexed property lying on the east side of Weatherford Drive and on the north side of Harbin Road as Residence 1-A District, which ordinance was introduced at the June 9, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-403)

Said motion was duly seconded by Councilman Showers.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-403, and it was unanimously adopted.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-405, rezoning property lying on the east side of 1st Street and on the north side of Freeman Road from Heavy Industry District to Residence 2 District, which hearing was set at the June 9, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that the subject property was approximately 3.92 acres and was currently vacant property. She stated that it had formerly been the Webster Tree Company, or Landscaping Company, located at the intersection of 1st Street and Freeman Road. She continued that the property was currently zoned Heavy Industry District. She stated that this property had been purchased for a proposed use that could not locate under the Heavy Industry District regulations, noting that this was a proposed single-family, attached dwelling subdivision. She stated that the proposed rezoning request of Residence 2 District would accommodate single-family, attached use.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared before the Council. He stated that the way this was being presented, it appeared that it would be a liability, in lieu of being an asset. He continued that he believed single-family houses in this area would cause urban sprawl and put an undue hardship on the City in providing services, and would reduce the amount of green space available. He stated that he believed they needed to preserve more industry, because industry was how the City gained most of its taxes, that it did not gain taxation from residential homes, that this kind of money went to the County.

Mr. Timberlake asked that the Council members be mindful of this.

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

There was no response.

President Culver stated that the public hearing was closed.

Councilman Kling moved for approval of Ordinance No. 16-405, rezoning property lying on the east side of 1st Street and on the north side of Freeman Road from Heavy Industry District to Residence 2 District, which ordinance was introduced at the June 9, 2016, Regular Council

Meeting, as follows:

(ORDINANCE NO. 16-405)

Said motion was duly seconded by Councilman Showers.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-405, and it was unanimously adopted.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-409, rezoning property lying on the west side of Jeff Road and south of Capshaw Road from Residence 2 District to Residence 2-A District, which hearing was set at the June 9, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that this item had originally been introduced and adopted in May of 2016, and there had been an error in the previous legal description for the property.

Ms. Nichols stated that the property was approximately 47.47 acres, and it was the site of the proposed Willowbrook Church, noting that they would be relocating from their current location on Highway 72 to this location on Jeff Road. She continued that, also, for a portion of the property, there was a proposed developer that would like to develop multi-family units. She stated that the previous zoning was Residence 2 District, and the proposed rezoning

request was Residence 2-A District. She continued that in the previous ordinance, this had been listed as Residence 2-B District, which she noted was incorrect. She stated that this ordinance would replace Ordinance No. 16-257, which had been adopted in May of 2016.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, again addressed the Council. He asked what footprint this would have in taking away from the green space and the environment. He stated that being an environmentally conscious individual, he was very concerned about the amount of green space they were losing, as well as the amount of urban sprawl that would happen. He continued that history showed that cities that grew too fast had a great problem. He continued that, for example, they could look at Detroit and Cleveland, noting that these kinds of cities were suffering tremendously because they had not controlled their growth. He asked that Huntsville not be as unwise as these cities had proven to be.

President Culver asked Ms. Nichols if she could address Mr. Timberlake's comments.

Ms. Nichols stated that previously the subject property had been platted for the Bridgemill Subdivision back in the mid 2000's. She continued that this subdivision had not materialized, and the land had just sat vacant until it had

been acquired by the Willowbrook Church. She stated that there had always been some type of development intended for this property, and that rather than a single-family, detached subdivision, there would be a place of worship, as well as multi-family dwellings. She stated that there was also additional space for possibly another use in the future.

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

There was no response.

President Culver stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 16-409, rezoning property lying on the west side of Jeff Road and south of Capshaw Road from Residence 2 District to Residence 2-A District, which ordinance was introduced at the June 9, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-409)

Said motion was duly seconded by Councilwoman Robinson.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-409, and it was unanimously adopted.

President Culver stated that it was the time and place in the meeting for a public hearing for RCDC Enterprises

Incorporated, d/b/a/ JoyRide, for the operation of two special shuttles, which hearing was set at the July 14, 2016, Regular Council Meeting.

President Culver recognized Mr. Tommy Brown, Director of Parking and Public Transit.

Mr. Brown stated that this was an application for new service, that the company would be operating two vehicles as special shuttles under the City's Vehicle For Hire ordinance. He stated that the background checks had been done, and that the resolution was in proper order for the Council's consideration after the public hearing.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared before the Council. He stated that he was very concerned about the oversaturation of public transit. He stated that as persons were aware, they were very expensive, and they appeared to do very little, as he saw it, in alleviating the traffic problems in the city. He continued that unless these entities would be able to show they were doing their due diligence in helping to reduce the amount of traffic in the city, which he noted led to accidents, he did not feel they should be approved. He stated that he believed something should be done about the traffic in the city, noting that a lot of persons were being hit on University Drive, Jordan Lane, et cetera,

that there were some very bad automobile accidents.

Mr. Timberlake asked that the Council decline this request unless they could determine how this would have some meaningful impact on reducing the amount of traffic flow in the city.

President Culver asked Mr. Brown if he could address Mr. Timberlake's concerns.

Mr. Brown stated that this was a private entity that was looking for some contracts from some local providers to assist them in providing transportation for their clients. He stated that he would recommend the Council's approval.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, inquiring if this public hearing was being set or if it was being held at this time.

President Culver stated that the hearing was taking place at this time, that it had been set at the Council meeting on July 14, 2016, and that they were actually having the public hearing at this time.

Ms. Reed stated that she was concerned about all the private cars, buses, et cetera, that were coming into the city, that they were getting worse than the School System. She continued that the School System had so many buses that one could not tell what they were doing with their money. She continued that she did not want this to happen in the city. She asked why they were doing this and asked if they did not have enough money to buy the buses the city needed so they could have their own buses to run the routes they ran and run

them faster and more frequently across the city.

President Culver recognized Mr. Hamilton.

Mr. Hamilton stated that this was not providing a bus service through a contract with the City. He stated that persons saw this particular action fairly routinely, and that it was a private company that would provide shuttle service through private contracts to private entities. He stated that the City had ordinances that required companies that operated these types of vehicles to obtain agreements to be allowed to operate, much like going through a licensing project that any business did. He stated that because they would be using the public right-of-way, there was a special process to ensure that the City had done their due diligence to make sure the company would do this safely and in accordance with City ordinances. He reiterated that the company would not have a contract with the City, that they were not providing a public service as a City service, that this was a privately owned entity.

Mr. Hamilton stated, as related to the traffic, that traffic flowed extremely well in the city. He continued that they also recognized that the city was growing. He stated that Mr. Timberlake's comment about making sure they were smart about the way the city grew, assuring that it did not grow too rapidly, was really getting at making sure they invested properly in their infrastructure, and that that was exactly what this Administration and this City Council had done and were doing. He continued that there were hundreds of millions

of dollars' worth of road projects that were somewhere in the process at this time in order to assure they were ready for this growth as it came along.

Mr. Hamilton stated that he believed the leadership of the City had done a very good job of anticipating this and being ready for it, and that providing the opportunity for private providers to provide mass transit, not on the taxpayers' nickel and not through the public system, was also a way in which communities grew and delivered transportation services. He continued that the private taxis and transportation network companies and private shuttles were all part of the solution, that they helped to get cars off the roads and gave persons who perhaps could not afford a car, or who did not want to drive, perhaps persons were elderly and not able to drive, or who might have some other reason why they could not drive themselves, more opportunities, more choices, and provided more competition in the marketplace.

Mr. Hamilton stated that this had been proven to be very effective in making sure that persons in the community would have the ability to move around the city and enjoy the benefits of living in a community such as this.

Ms. Reed stated that she was aware of what a private contract was. She asked if this did not have anything to do with the City, why the Council had to approve it. She stated that they did have to okay it, so it did have something to do with the City. She reiterated that she knew all about private

contractors.

Ms. Reed asked why they did not get some more Handi-Rides in the city. She stated that they had almost put the taxis out of business, with the other services running through the city. She continued that some of these companies had lawsuits all over the country.

Ms. Reed stated that she just did not understand why the City did not have any funds. She stated that it hurt her to think that the city was getting too big for them to handle what they needed to handle.

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

There was no response.

President Culver stated that the public hearing was closed.

President Culver read and introduced a resolution granting a special shuttle license to RCDC Enterprises Incorporated, d/b/a/ JoyRide, for the operation of two special shuttles, as follows:

(RESOLUTION NO. 16-529)

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

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

President Culver recognized Councilman Kling.

Councilman Kling stated that in the district he represented, he had gone door to door, in Holiday Homes, Merrimack, Lowe Mill, Westlawn, and other areas, and there were a large number of elderly people in this community, and that some of these persons were limited to a relative who took them to the grocery store once a week.

Councilman Kling stated that soon after he began serving on the City Council, they had started discussions about starting up a public transit system. He continued that what they had at this time was cost-effective, that it did not serve every nook and cranny of the city, but compared to the billions of dollars some of the larger cities were spending and losing on their mass transit systems, Huntsville had a niche in this. He continued that he would like to see more, that he would like to see Saturday and Sunday service if possible, but that they had "x" dollars in this, and he heard a lot of positive things about it.

Councilman Kling stated that there was a very important niche that he hoped City government would always keep for providing public transit and providing this assistance for the seniors and low-income persons, the homeless, and others who needed access to this service. He reiterated that the system had a good niche, and it did a good job. He stated that Mr. Brown heard complaints often enough from the Council members, but that he did hear good things from persons about

this service.

Mr. Brown thanked Councilman Kling, stating that he would pass that along to his personnel.

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

There was no response.

President Culver called for the vote on Resolution No. 16-529, and it was unanimously adopted.

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

President Culver read and introduced a resolution setting a public hearing for Cecilio A. Kentish, dba Orbit's Super Shuttle, LLC, on the issuance of an airport shuttle license, at the August 11, 2016, Regular Council Meeting, as follows:

(RESOLUTION NO. 16-530)

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

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

There was no response.

President Culver called for the vote on Resolution No. 16-530, and it was unanimously adopted.

(Mayor Battle is now in attendance at the meeting.)

President Culver stated that the next item on the agenda was Communications from the Public. He stated that when

persons' names were called, they should go to a microphone and state their name and address, and they would have approximately three minutes to address the Council.

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared before the Council, stating that as persons were aware, the fall of all great world powers had always been a lack of transparency and the silence of the citizens, which gave tacit approval to whatever might be going on through the tyranny of the majority. He stated that to that end, he would like to address the issue about the lack of a policy to deal with trespass warnings on public property.

Mr. Timberlake stated that he believed it was unconscionable that a public steward would deny a citizen due process, antithetical to the 14th Amendment, without affording them due process which was found in the 14th as well as the 15th Amendment of the illustrious United States of America Constitution. He stated that as persons were aware, some persons were in the great city where this document was formed at this very hour contemplating how this great nation could yet become greater and remain on an upward spiral of greatness.

Mr. Timberlake stated that to that end, he felt it behooved citizens to become more involved and to take action to make sure that due process and transparency was the cornerstone. He stated that there was no excuse for the lack of these two, noting that he believed the Founding Fathers had gone to great lengths on this. He stated that one of these

things was a free press, which he noted was found within the First Amendment. He continued that he had been mistaken in thinking it was in the Second Amendment, noting that he was grateful he had been corrected on this. He stated that the Bible said that if one corrected a wise man, he would love you, but if you rebuked a fool, he would hate you.

Mr. Timberlake stated that he would again ask the Council to look into this and create an ordinance that would give the constables the guidance on how they needed to handle a trespass warning so that transparency and fairness would echo throughout the land.

President Culver stated to Mr. Riley, the City Attorney, that, seemingly, there was a lot of ambiguity about how long a criminal trespass warning would be effective once it was issued. He stated that he was aware this was subsumed in case law, that they had previously addressed this, and they had also provided information concerning this to Mr. Timberlake. He asked Mr. Riley if, in his opinion, he felt it was necessary for the City to obtain an Attorney General's opinion on this matter for them to operate under, even if it were to be erroneous.

Mr. Riley stated that he did not see the necessity of an Attorney General's opinion at this point. He stated that they had trespass laws that they had been conducting. He continued that if there were a particular circumstance that would arise, where a person might be accused of trespass and would feel that

he was being prosecuted under an unconstitutional law, or some other challenge to this, that certainly they could address this, but as far as just seeking a general opinion from the Attorney General, that would not be something he would anticipate doing.

President Culver recognized Councilman Kling.

Councilman Kling stated that Mr. Timberlake had attended one of his Town Meetings recently, and this was an issue he had raised. He stated that he felt it might be an easier way to do things if they would just ask if Mr. Riley could look at whatever City ordinance they had dealing with trespass or trespass warnings, that he just take a look at it and see if anything might need to be updated. He stated that then whatever the ordinance was, in its current form, or if it were to be updated, they could put it out, perhaps post it on a bulletin board or two, and give Mr. Timberlake a copy of the ordinance. He stated that that might be a shortcut to this, rather than having to go through the Attorney General process.

President Culver stated that the concern was that there was not a statutory law or ordinance that addressed the duration of a trespass warning. He continued that, however, there were case laws that addressed this issue, and that he believed this was where the ambiguity came in. He stated that he believed what Mr. Timberlake was looking for was something in black and white that would say if one were given a trespass warning, this warning would be effective for perhaps six months

or one year, or whether it would be indefinite. He stated that if he understood correctly, he believed a trespass warning would be indefinite, as related to the most current case law.

Mr. Riley stated that that was his understanding as well. He continued that he was aware there had been some investigation into this by a member of his staff, and that he would be glad to retrieve this and try to provide some guidance in this regard.

President Culver thanked Mr. Riley for this.

Ms. Jackie Reed, 303 Jack Coleman, appeared before the Council, stating that she had many issues at this time.

Ms. Reed stated, concerning the quality of life in the city, that they were absolutely building too fast and were not using any common sense. She stated that she attended many meetings in the city, and that she said to persons that she loved them but she hated their government. She stated that common sense was not playing into it anywhere, as far as she could see. She stated that the traffic overflow was terrible, and the speeders would run over one if one were not very, very careful.

Ms. Reed stated that she looked at Stone Middle School, where the City of Huntsville School System had given that property away. She continued that the City had put \$200,000 into this. She stated that it had been turned into a money-making campus, and it was called the "805 Campus." She asked if they were moving downtown into Stone Middle School,

noting that she certainly hoped not. She stated that she believed the School System had messed up when they had sold this property, when they had given it away.

Ms. Reed stated that she was also concerned about Big Spring Park. She stated that first, however, she wanted someone to tell her who MidCity was, noting that she believed this was part of the developers that were going out into the Mall. She stated that it was questionable as to who was going to develop all that property, but that she would not be discussing that at this time.

Ms. Reed stated that at this time she would like to talk about Big Spring Park. She asked if it was true that they were going to lay concrete out there for the ice skaters. She asked if they were going to start concreting the park. She continued that they had been trying to preserve this park since the building for the Senior Center had been torn down. She stated that it had been promised that only a little part of the park would be used, but now they were continuing to go into the park. She stated that perhaps she had misunderstood about the concrete. She continued that she was aware they were going to put \$1.9 million into the park. She stated that they had not previously said they are going to concrete some of the park and put the ice skating there.

Ms. Reed asked why they did not go out to John Hunt Park and leave Big Spring Park alone.

President Culver recognized Councilman Kling.

Councilman Kling stated that Campus 805 had been an empty Stone Middle School a couple of years prior, and it had been costing the School System approximately \$300,000 a year just to maintain the building, with security and running the air conditioning and heating in order to preserve the building. He stated that Dr. Wardynski, Mayor Battle, and the developer had all come in together on this, and it had been a phenomenally great thing, that the building was now being utilized, and it had been a great shot in the arm for the neighborhoods in the area, including Lowe Mill, Holiday Homes, Merrimack, and Westlawn.

Councilman Kling stated that the persons in this area all loved what had been done with this property, that rather than being a blight to the neighborhood, it was actually being a catalyst for the area. He continued that Big Spring Cafe in the area was in the process of building a new building, that they were expanding. He stated that persons were coming to the area, that rather than West Huntsville having the stigma of being a bad area, persons from downtown were coming to this location, that it was a great positive.

Councilman Kling stated, concerning John Hunt Park, that he believed they were talking about in excess of \$50 million being invested in this park, in order to renovate it. He stated that the old runways had been taken out and nicely landscaped roads were being put in, that a lot of things were happening in that park. He stated that he believed they had

done a great job on these two projects that were in the central areas of the city, that he believed these were positive things for the city to have.

President Culver recognized Mayor Battle.

Mayor Battle stated, concerning the point that they were building too fast, that one of the things they always tried to make sure of was that they did not grow exponentially, that they did not want to grow so fast they outshot their infrastructure. He continued that at this time, they were building infrastructure, that over the next five years, they would build more than \$400 million worth of roads, and that these roads were to make sure they could accommodate the growth they had. He stated that they liked to have smart growth, they liked to have incremental growth, and slowly but surely build the community. He stated that this was one of the key things they, as a city, had to make sure they did.

Mayor Battle stated that the traffic overflow was terrible, that the roads were hitting capacity at this time. He continued that this was because they were in the middle of construction on one of the main arteries in the middle of town. He continued that once they finished with this construction, which he noted was moving as fast as possible, traffic patterns would change, that traffic flow would change, and then the entire community could take a breath of relief, because there would be more capacity on the roads.

Mayor Battle stated, concerning Big Spring Park, that they

were fixing up Big Spring Park West just as they had done with Big Spring Park East, with drainage systems and sprinkler systems, so that there could actually be live grass in the area. He stated that they were going to try to make it into a much nicer park than it was at this time.

Mayor Battle stated that one of the questions about this project was concerning the ice skating rink. He continued that they had been putting this rink immediately behind the Art Museum. He questioned if they should put down a pad for the ice skating rink rather than each year having to re-sod this area and try to get the grass to grow. He continued that this pad could also be used by persons who came out to Concerts in the Park on Monday evenings, noting that they could sit on this pad as they watched.

Mayor Battle stated that this was one of the decisions that would be made as they were doing this project. He stated that they were taking input on this, from Council members and from everyone in the public, because this was everybody's park, noting that this was kind of the living room of the city. He stated that they were trying to work with this very, very carefully.

President Culver stated that he had been working with the developers of MidCity, and they were doing a sneak peek on August 8 at Madison Square Mall, from 5:30 p.m. until 8 p.m. He stated that they would have vendors there, that it would be a sneak peek with the developers and himself and anyone else

who wished to attend, to give persons a more in-depth understanding of what would potentially be happening there.

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

Councilman Kling nominated Jason Lowe for appointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2019.

Councilwoman Robinson nominated Bill Pippin for appointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2019.

Councilwoman Robinson nominated Kim Ogle for reappointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2019.

President Culver asked if there were any other Board Appointment nominations.

There was no response.

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

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

(RESOLUTION NO. 16-531)

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

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

There was no response.

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

President Culver asked Councilman Showers if there was a Finance Committee Report at this time.

Councilman Showers replied in the negative.

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

Mayor Battle stated that the reason he had been late in arriving at the meeting was because he had given a welcome to the Boys & Girls Club, noting that they were having their fundraising dinner at this time. He stated that they certainly appreciated the persons who came out for this event, noting that this club did a very good job with youth in the community.

Mayor Battle stated that Greene Street Market was going on at this time, and that there was also Under the Lights Entertainment and Eats on Clinton Avenue.

Mayor Battle stated that on the following Saturday, CAFY, Community Awareness for Youth, would be holding an event at the Jaycee Building and Fairgrounds in John Hunt Park from 10 a.m. until 3 p.m. He stated that Kenny Anderson had been doing a great job with CAFY and stated to Mr. Anderson that the work he was doing with this organization was certainly appreciated.

Mayor Battle stated that the Huntsville Police Department was partnering with the Boys & Girls Club to do a School Supplies Drive, and that they would be taking donations in each precinct through August the 2nd, on any day until 5 p.m., and

that after that time everything would be transferred to the Boys & Girls Club, and they would provide school supplies for kids who might not have such supplies, so that on the first day of school, they would have the same supplies as other students would have. He stated that this was a great program and thanked the Police for what they were doing at the precincts. He stated that they really looked forward to providing a lot of young people these school supplies.

Mayor Battle stated that Concerts in the Park would continue on the following Monday, and that that would be the next-to-the-last concert for the season. He stated that it had been a great summer, and this had been a lot of fun.

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

President Culver recognized Councilman Showers.

Councilman Showers stated that, as Mayor Battle had mentioned, the Boys & Girls Club dinner was going on at this time and stated that he planned to attend this event after the Council meeting.

Councilman Showers stated that the Huntsville Beautification Awards presentation would be held on the following day at Oakwood University at the McKee Business Center.

Councilman Showers stated that on the following Saturday, July 30, Oakwood would have a Town Meeting at Oakwood University Church at 6 p.m.

Councilman Showers stated that on Sunday, July 31, there would be an event at the Fellowship Center on Pulaski Pike. He continued that this was at the location of the old Elks Lodge on Pulaski Pike.

Councilman Showers stated on Tuesday, August 2, there would be the ribbon-cutting for the new Jemison High School, at 10 a.m., and that the public was invited to attend this event.

Councilman Showers stated that on Saturday, August 6, at 7:30 a.m., the Sixth Annual Perry O. Ward Golf Tournament would be held at the Municipal Golf Course on Airport Road.

Councilman Showers stated that on Saturday, August 6, at 11 p.m., there would be the Edmonton Heights Reunion at the James C. Crawford Park.

Councilman Showers stated that on Saturday, August 6, there would be the 23rd Annual Celebration of Education Parade, at Jemison High School. He urged the public to come out and support the PTA Cluster. He continued that donations would be requested of persons attending this event.

President Culver recognized Councilman Russell.

Councilman Russell announced the following reappointment:

David L. Little to the Huntsville Police Citizens Advisory Council, for a term to expire July 8, 2018.

Councilman Russell stated that on the previous day, he had had the privilege of going to Birmingham for the Alabama Men's Basketball Team Press Conference, where they had announced that they would be playing a game at the Von Braun Center on

December 21. He continued that they would play Arkansas State for this event. He stated that they certainly hoped to have a great crowd for this game.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had had the opportunity, with a number of members of the Council and Mayor Battle, to attend the ribbon-cuttings for the Sonnie Hereford III Elementary School and the McNair Junior High School. She stated that what had impressed her about these events was not just the beautiful buildings but the legacy that was presented of Dr. Sonnie Hereford, III, and of Dr. Ronald McNair, noting that these were really impressive. She stated that family members of these two gentlemen had been present to share their legacies. She continued that these legacies would certainly be an inspiration to the children who attended these schools.

Councilwoman Robinson stated that she was looking forward to the ribbon-cutting at Jemison High School the following week and hearing about Dr. Mae Jemison.

Councilwoman Robinson stated that wonderful things were going on in the community, that when there were hundreds of millions of dollars committed to new school buildings, they knew great things would be happening for these neighborhoods and for the children who attended these schools.

Councilwoman Robinson stated that she had also had the opportunity recently to attend the new BIG Picture exhibition,

noting that Dennis Madsen and the Planning staff had done a remarkable job with this. She continued that the new exhibit was to be a traveling exhibit. She stated that as they had walked through the panels at First Baptist Church and looked at the summary of all the work that had been done during the prior year with all the community meetings, what had impressed her was she had heard a person say that his comment had been included, that he had been listened to. She stated that this level of community engagement was very impressive. She continued that there were some wonderful things that were going to be happening in the city.

Councilwoman Robinson stated that she had also had the opportunity to attend the Bailey Cove "Night at the Library," noting that the Library had served dinner to the persons in attendance at this event. She stated that a very exciting part of this was that they had had characters from books, including Mark Twain, Louisa May Alcott, and Harper Lee, discussing their writings. She stated that it was wonderful to see the Grissom and Randolph students who had dressed up in character and visited at the tables as persons were enjoying their dinner. She stated that this was a great opportunity to kick off the campaign for the new South Huntsville Library, noting that there would be some meetings held in the following week to commence this campaign. She asked persons to join in this effort, noting that Grissom would be vacating the existing facility in another year, and the space would become vacant and

would provide the opportunity the community had been waiting for to begin building the new library.

Councilwoman Robinson stated that during the week, persons had started to see blue "Business Access" signs along South Parkway in the midst of the sea of orange cones. She stated that it had been somewhat confusing for some persons to be able to find their way into some of the businesses in this area, and she applauded Dan Sanders, the Director of Traffic Engineering, for coming up with the idea of creating these very visible, big blue signs to mark business entrances, noting that this would certainly be a tremendous help to these businesses.

Councilwoman Robinson stated that there was not a lot they could do for these businesses to help them get through this time other than providing opportunities for communication and working with them with street closures as they were occurring. She stated that she applauded ALDOT, as well as the City staff, for working with these businesses, through the South Huntsville Business Association.

Councilwoman Robinson stated that the blue access signs had been required because of a change in signalization, noting that they had taken out signals at Charlotte Drive and at Main Street South, creating some challenges for persons who were trying to figure out the detours. She stated that the South Huntsville Business Association had created detour maps, and that these maps were going to be made available at all the South Parkway businesses so that their customers would be able

to determine how to navigate the changes that were taking place in the area.

Councilwoman Robinson stated that the best thing they could do for these businesses would be to finish this project as quickly as possible. She stated that during the week, they had had a great report from ALDOT that this work was moving forward faster than had been anticipated.

Councilwoman Robinson stated that at the next meeting of the South Huntsville Business Association, they would address these construction issues, that they would have representatives from ALDOT and from the City present to discuss concerns with business owners and with residents of South Huntsville. She stated that this meeting would be on August 9 at 3 p.m. at the Doubletree Hotel, on Boulevard South. She stated that they were inviting businesses who were interested in this area to attend, as well as members of the general public.

President Culver recognized Councilman Kling.

Councilman Kling stated that he believed he had already made his comments for the evening. He continued that when one looked around the city, there was a lot of investment in the central inner areas of the city, that Huntsville was not like other cities in the Southeast where all the growth was going outward, and the inner areas were just kind of falling apart, that there was a lot of good momentum.

President Culver stated that he wanted to thank Mayor Battle's staff and Mr. Hamilton for their attendance at

his recent Town Hall meeting, noting that they had done a great job in helping the community with their needs and concerns that had been expressed at the meeting. He stated that this was his seventh Town Hall Meeting for the year, and there were about five more to be held.

President Culver asked the Council's intern, Austin Brass, to come to the microphone.

President Culver stated that this was Mr. Brass's last Council meeting, since the internship program would be ending, and that they would like to provide him the opportunity to make some comments at this time, whatever he would like to share.

Mr. Brass stated that his internship had certainly been a good opportunity for him, and that he appreciated the Council having given him this opportunity to be exposed to a variety of things. He stated that he believed the main thing he had taken from this internship was in working with a variety of different personalities and seeing how the different personalities worked together and how local government worked together.

President Culver thanked Mr. Brass for his comments. He stated that they were certainly proud to have worked with him. He stated that if there would be anything they could do to help him in his career path, to please contact them.

Mr. Brass stated that one thing that had really excited him about this opportunity was that he was from a small town in Tennessee, and that being in Huntsville he had been able to see all the innovative things that were going on, all the different

things that were really cutting edge, and it was very exciting to see a city in the South that was kind of ahead of the game. He stated that he believed wherever he went in his professional career, he could take what he had learned and seen in Huntsville somewhere else, if the opportunity would come about.

President Culver stated that it certainly would and thanked him for interning with the Council.

President Culver stated that there was a Boy Scout in the audience and asked him to go to a microphone and introduce himself and say what he was working on.

Jake Gleason introduced himself to the Council, stating that he was from Troop 96 at Epworth United Methodist Church, and that he was working on his Communications Merit Badge.

President Culver welcomed him to the meeting.

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

President Culver moved for approval of Ordinance No. 16-499, amending Ordinance No. 89-79, Classification and Salary Plan Ordinance, which ordinance was introduced at the July 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-499)

Said motion was duly seconded by Councilman Showers.

President Culver recognized Mr. Byron Thomas, Director of Human Resources.

Mr. Thomas stated that this was an ordinance to amend the Classification and Salary Plan Ordinance, to add a new position

entitled "Traffic Signal Operations Specialist," which position had been requested by Traffic Engineering.

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

President Culver recognized Councilman Kling.

Councilman Kling asked if there was an estimate as to when this position would actually be advertised and eventually come on board.

Mr. Thomas stated that Councilman Kling would have to speak to Mr. Sanders about that, but that he believed it most likely would be within the next two weeks, or as soon as Mr. Sanders sent them a Personnel Requisition.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-499, and it was unanimously adopted.

Councilman Showers moved for approval of Ordinance No. 16-500, amending Ordinance No. 16-642, to modify the authorized strength of a department, which ordinance was introduced at the July 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-500)

Said motion was duly seconded by Councilwoman Robinson.

President Culver again recognized Mr. Thomas.

Mr. Thomas stated that this was a budget amendment to add

the above position to the authorized strength.

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

There was no response.

President Culver called for the vote on Ordinance No. 16-500, and it was unanimously adopted.

President Culver moved for approval of Ordinance No. 16-501, declaring certain equipment surplus and to be sold at auction, which ordinance was introduced at the July 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-501)

Said motion was duly seconded by Councilman Showers.

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

There was no response.

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

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

President Culver read and introduced Ordinance No. 16-532, annexing 26.30 acres of land lying north of Little Cove Road and on the west side of Watson Grand Way.

President Culver read and introduced Ordinance No. 16-533, annexing 20.35 acres of land lying on the east side of Sanderson Road and south of Copper Run Drive.

President Culver read and introduced Ordinance No. 16-534,

declaring certain equipment surplus and to be sold at auction, per agreement with Mars, LLC.

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

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Land Design Solutions, Inc., for Landscape Architectural Design and Construction Administration Services for sign improvements to Goldsmith Schiffman Wildlife Sanctuary, Project No. 71-16-SP46, as follows:

(RESOLUTION NO. 16-535)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Robin D. Cox, as follows:

(RESOLUTION NO. 16-536)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the

agreement between the City of Huntsville, Alabama, and Community Action Partnership of Huntsville/Madison and Limestone Counties, Inc., as follows:

(RESOLUTION NO. 16-537)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Fixed-Price Agreement between the City of Huntsville and Building Construction Associates, Inc., to provide construction services for Burritt Rosenwald Schoolhouse Building, located at 3101 Burritt Drive, as follows:

(RESOLUTION NO. 16-538)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Fuqua & Partners Architects for Architectural Services for the North Huntsville Public Library, located at 3011 Sparkman Drive, as follows:

(RESOLUTION NO. 16-539)

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

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

(RESOLUTION NO. 16-540)

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

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

(RESOLUTION NO. 16-541)

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

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

(RESOLUTION NO. 16-542)

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

Councilman Russell read and introduced a resolution authorizing the City Clerk-Treasurer to invoke Bryant Bank

Letter of Credit No. 1178 for Valleybrook Subdivision, as follows:

(RESOLUTION NO. 16-543)

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

Councilman Russell read and introduced a resolution authorizing the City Clerk-Treasurer to invoke CB&S Letter of Credit No. 555546 for Anslee Farms Phase 1 Subdivision, as follows:

(RESOLUTION NO. 16-544)

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

Councilman Russell read and introduced a resolution authorizing the City Attorney to settle the lawsuit entitled "Vance Derrick Stone v. City of Huntsville, et al.," in the United States District Court for the Northern District of Alabama, Case No. 5:16-CV-00220-AKK, as follows:

(RESOLUTION NO. 16-545)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into agreements with the low bidders meeting specifications as outlined in the attached

Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 16-546)

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

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

(RESOLUTION NO. 16-547)

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

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

(RESOLUTION NO. 16-548)

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

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

(ORDINANCE NO. 16-549)

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

Councilman Russell read and introduced a resolution

authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and Garver, L.L.C., for Construction Administration Services for U.S. Highway 431 Improvements, Project No. 65-11-TI01 and STPHV-STPAA-0001(577), as follows:

(RESOLUTION NO. 16-550)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Knight Sign Industries, Inc., for Downtown Huntsville Wayfinding Sign System Master Plan, Project No. 65-15-SP06, as follows:

(RESOLUTION NO. 16-551)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Shelia L. Malone, as follows:

(RESOLUTION NO. 16-552)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Intergraph Corporation, DBA Hexagon Safety & Infrastructure, for Mobile for Public Safety (MPS) software and services, as follows:

(RESOLUTION NO. 16-553)

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

Councilman Russell read and introduced a resolution authorizing the Mayor to enter into a Sponsorship agreement between the City of Huntsville and The Huntsville Track Club for City sponsorship of the Rocket City Marathon, as follows:

(RESOLUTION NO. 16-554)

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

Councilman Russell read and introduced an ordinance appointing the Election Officials for the August 23, 2016, City of Huntsville, Alabama, Municipal Election, and if one is needed the October 4, 2016, City of Huntsville Run-off Election, as follows:

(ORDINANCE NO. 16-555)

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

President Culver read and introduced a resolution authorizing the Mayor to enter into a Cooperative Service Agreement between the City of Huntsville and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, as follows:

(RESOLUTION NO. 16-556)

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

President Culver recognized Ms. Joy McKee, Director of Landscape Management.

Ms. McKee stated that this was an agreement where when they had nuisance animals, such as coyotes, beavers, or any number of animals that might be living somewhere where they might be a danger to residents, this would be a way for them to relocate these animals. She continued that the contract was up to \$7,500, but this agreement had been in place for several years, and they had never used that much money.

Ms. McKee asked if there were any questions from the Council members.

President Culver recognized Councilman Showers.

Councilman Showers stated that this was an issue that had been discussed at length by citizens and stated that he was delighted that there was a remedy to this problem of such animals who ended up on persons' property. He stated that he certainly appreciated what Ms. McKee was doing on this.

Ms. McKee stated that for issues concerning dogs, cats, and small animals, persons should still call Animal Services, but that they should call Landscape Management, at 532-5326, for problems with animals such as she had just mentioned. She stated that they had helped Councilwoman Robinson with such issues, as well as several other places in the city.

Councilwoman Robinson stated that in South Huntsville, they had issues with beavers that built dams which flooded yards. She stated that Ms. McKee had been very helpful with this problem, and that she believed it was under the subject agreement that some of that had been dealt with, as well as the coyote issue, particularly in the hilly areas. She stated that, also, she had had an issue with a resident who had groundhogs and armadillos. She stated that this was more prevalent than persons might realize.

Councilwoman Robinson asked Ms. McKee how much of the \$7500 had been used previously.

Ms. McKee stated that she believed they had used \$2500 the past year. She continued that it was not a real expensive service, but they were talking about animals that were certainly nuisances and could become dangerous. She stated that, also, the USDA monitored if there was any kind of rabies in any of the areas. She stated that there were many services that they offered for this amount of money. She continued that this was very much needed, and they used it a lot.

Councilwoman Robinson asked if they ever made residents

aware of measures they could take for such issues. She continued that, apparently, there were motion-activated sprinklers that could drive animals away, as well as other things. She asked if they educated persons concerning this.

Ms. McKee replied in the affirmative. She stated that, actually, the USDA had a program where they would come in to neighborhoods and give talks and advise persons as to what they should and should not do concerning such matters. She stated that wildlife was certainly out in the community, that there were several persons that had called about skunks, snakes, et cetera. She stated that there were different things that could attract animals within persons' yards. She stated that all they did was call USDA, and they would make appointments and go out into neighborhoods and make presentations. She stated that if any persons had such concerns, they would be happy to do this. She stated that, also, Karen Hill Sheppard did some of this as well.

President Culver asked if there was any further discussion about this resolution.

There was no response.

President Culver stated to Ms. McKee that he was elated to hear about this matter. He stated that persons might recall issues he had had at a previous address concerning coyotes. He stated that he was certainly happy to know that they now had a solution in place for some of these problems. He thanked Ms. McKee and her staff for doing this.

President Culver called for the vote on Resolution No. 16-556, and it was unanimously adopted.

President Culver read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Dunlap Contracting for Construction Services for the Dr. Richard Showers Center Exterior Renovations (Splash Pad), as follows:

(RESOLUTION NO. 16-557)

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

President Culver recognized Mr. Chris O'Neil, Facilities Project Manager.

Mr. O'Neil stated that this was Change Order No. 1 and Final Change Order for the exterior splash pad at the Dr. Richard Showers Center. He stated that this was with Dunlap Contracting, in the amount of \$20,515.13. He stated that this change order included additional landscaping, fencing, and some electrical and water connections, and moving a shade structure. He stated that the total contract amount was now \$243,515.13.

Councilman Showers asked if it was correct that this would complete this project.

Mr. O'Neil replied in the affirmative.

Councilman Showers stated that this splash pad had certainly been a highlight for the children using this

facility.

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

There was no response.

President Culver called for the vote on Resolution No. 16-557, and it was unanimously adopted.

Councilman Showers asked if Mr. Steve Ivey, Director of Parks and Recreation, was still present at the meeting.

Mr. Ivey appeared at the microphone.

Councilman Showers asked if Mr. Ivey could give the weight room schedule at the Showers Center for the public.

Mr. Ivey stated that starting August 1, they would continue to keep the weight room open until 8 p.m. He continued that, also, they were changing the age limit, that they were reducing the age from 18 to 16, so that children in high school that were training for sports would be allowed to come in and use this facility.

Councilman Showers inquired as to the schedule for the splash pad.

Mr. Ivey stated that the splash pad would be open until October 1st. He stated that once school started back, they would still open it for the kids that were home-schooled, et cetera, and that, also, it would be open on the weekends. He stated that it would be closed down on October 1, but it would remain open during the holidays.

Councilman Showers inquired as to the opening time

currently.

Mr. Ivey stated that it was opened every morning at 10 o'clock.

Councilman Showers inquired as to the closing time.

Mr. Ivey stated that it was closed at dark, approximately 6:30 or 7:00.

Councilman Showers stated that he had had a tremendous number of calls concerning the decline in the number of swimmers at the Showers Center. He continued that they had added a fee for this. He stated that before this fee had been added, they had not had enough swim space for the children, but since the increase in the fee, there were only a handful of children on any day at the Center. He asked Mr. Ivey if perhaps they could revisit this fee structure that had caused such a drop-off in the children who used the facility. He asked if there was any latitude concerning this fee.

Mr. Ivey stated that he believed the way it had been set up in the ordinance was that if anyone was eligible, he believed even for garbage pickup, they could get in for \$1. He continued that they had set allowances for persons who had low income, to make sure they did not discourage anyone from coming to the pool.

Councilman Showers asked if it would be possible for the staff to know this.

Mr. Ivey replied in the affirmative, stating that that would be no problem at all.

Councilman Showers stated that children had been being turned away because they did not have the \$4.

Mr. Ivey stated that they would work with the staff to make sure everyone was aware of the policy.

Councilman Showers stated that he did not want any child who was coming to swim and learn to swim to be turned away. He stated that they had certified lifeguards, and they had the best pool in the city, and he just wanted all the boys and girls who wanted to swim to have that opportunity. He continued that he wanted to be able to go there and see the pool area full. He stated that he would certainly appreciate Mr. Ivey getting to the bottom of this and communicating it to the staff.

Mr. Ivey stated that they had started a swim team in North Huntsville in the current season, using the Showers Center. He stated that this was the first time they had had a swim team program in the area in a long time. He stated that they had offered it, that it was free to the kids, and that they had had 30 kids sign up, and 20 of them had maintained, and that two of them had participated in the City swim meet. He stated that they were going to continue this throughout the winter, that they were teaching kids to swim. He stated that they also wanted to make sure they increased aquatics in that area.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Fixed-Price Agreement

between the City of Huntsville and Joe Still Building Company, Inc., for Construction Services for the Clinton Avenue Parking Garage, located at 116 Clinton Avenue, as follows:

(RESOLUTION NO. 16-558)

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

President Culver recognized Councilman Russell.

Councilman Russell stated that his question had to do with the contract. He stated that he had been somewhat confused on this project. He stated that he liked the project, but at one time they were going to do the contract one way, and then it was changed to do it another way. He stated that he knew there was some ceiling on this, and that this contract appeared to exceed the ceiling. He stated he was assuming the other party was going to pay the difference and asked if Mr. O'Neil could explain this.

Mr. O'Neil stated that the contract amount was \$270,896, and this was for the facade improvements to the Clinton Avenue parking garage, noting the renderings of this that were being displayed.

Mr. O'Neil stated that per the development agreement with Clinton Row Partners, LLC, the City's commitment was \$200,000, and that Clinton Row Partners, LLC, would pay anything over and above that amount. He continued that Clinton Row Partners would be responsible to pay the \$70,896.

Councilman Russell asked if this was the correct way to do the contract, for the City to do the contract for the full amount with the builder, and then they would invoice the third party.

Mr. O'Neil stated that the developer had been notified of this, that they had been provided with a copy of the contract, and that upon execution, they had indicated they would get the proceeds to the City of Huntsville.

Mr. Shave Davis, Director of Urban Development, stated that once the Council approved the contract, they would come back to the Council with an acceptance of donation from the developer.

Mr. Davis stated that this project had been around for awhile, as they tried to dress up this area as they continued the streetscapes, but it had been cost prohibitive. He stated that when they had started the Clinton Avenue Retail Shops, they had approached the Administration and asked if they could do something to dress up the garage, and they had said that they had an idea, being to kind of mimic the UAH student garage that had been recently done, with architectural panels, but it had been cost prohibitive. He stated that they had asked the City what budget they had on this, and that they had looked at their streetscape budget and some leftover funds they had from doing Jefferson Street, and they had said they had approximately \$200,000, and that with design services, et cetera, it was probably going to run approximately \$300,000.

He stated that they had said they would donate the engineering and architectural design drawings to the City and let them be in charge of managing it, and then once it was bid, anything over \$200,000, they would make a donation to the City. He stated that if the Council approved this resolution, the developer would come back, and they would do an acceptance of donation.

Councilman Russell reiterated that he liked this project, but he could not understand why they had made it so complicated, noting that it appeared to be very complicated to him, and he just wanted to make sure the Council was doing its job to watch over this contract and make sure the City was getting what it was promised.

Councilwoman Robinson asked if in the original contract they had with Crunkleton, there was a binding agreement that would assure that they pay this approximately \$70,000.

Mr. Davis replied in the affirmative, stating that that was a very good point. He stated that when they had done the lease for the front retail space, this portion was in there, that they would commit to this once they opened the bids, and the Council approved to move forward with the work.

President Culver asked if there was any further discussion of Resolution No. 16-558.

There was no response.

President Culver called for the vote on Resolution No. 16-558, and it was unanimously adopted.

President Culver recognized Councilman Showers.

Councilman Showers asked what the name of the building was that was going up just north of this project.

Mr. Davis stated that it was The Avenue.

Councilman Showers asked Mr. Davis if he would give just a brief description of what all was going to take place in that new building.

Mr. Davis stated that it was a multi-story, mixed-use development, and that, predominantly, the first floor was 100 percent retail, and approximately 60 percent of it was leased, noting that he believed they had released the first four or five tenants' names publicly, and that they should be coming on line sometime in August or September. He stated that the remainder was multi-family units, and that at this time he could not recall the exact number of units. He continued that there was a courtyard in the middle of the development, kind of splitting with a parking garage.

Mr. Davis stated that the public had asked if the City had built this garage and stated that the developer on this project had built 100 percent of the project. He continued that the developer had a land lease with the City, which the Council had approved approximately 18 months prior. He stated that he had been advised that the top floor units were 100 percent ready, and they would be seeing some sales in early September.

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

Mr. Riley submitted the following deed for approval:

(DEED)

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

President Culver stated that the next item on the agenda was Non-Roster Communications from the Public. He stated that persons who wished to address the Council should go to a microphone or position themselves in proximity thereof, and they would have approximately three minutes to address the Council.

Ms. Jackie Reed, Jack Coleman Drive, again appeared before the Council, stating that something she thought the City had done good on was installing the signs throughout the city, so that persons would know where to go and what to do.

Ms. Reed stated that she had not gotten an answer to her question concerning MidCity, but she would do so between this date and August the 23rd.

Ms. Reed stated that it had not been mentioned in the meeting, but there would be an election on August 23rd. She stated that everyone needed to go and see what was going on at the polls. She stated that she had not told them to go and vote but just to go and see what was going on.

Ms. Reed stated that someone had handed her a note recently saying that they needed an overpass for High Mountain Road, Northeast. She stated that this person had stated that

the State had already approved it, and they were working with them, that there was an agreement on it, and they wanted to know why they were not working on it at this time. She asked that someone look into this.

Ms. Reed stated that she was concerned that they had turned the parking garage in the downtown area into retail space. She stated that they had given them \$200,000, and, also, a 40-year lease, at \$14,000 per year. She continued that now they were wanting \$70,000 and stated that they should go to the bank and borrow the money. She stated that they could not continue to give the city away.

Ms. Reed stated that they had given the developer the property for the condos downtown. She stated that she had a real estate license, and that although it was inactive, she knew the value of property. She stated that she did not believe any of the Council members knew this. She stated that they needed to go and get a real estate license if they were going to give the city away. She stated that she understood the developer was going to pay \$100 a year for 20 years on the condo property, and then he would have an additional 24-year lease, and a 25-year lease. She stated that they should just use common sense.

Ms. Reed stated that she wanted to hear about the last development they had sneaked in, that they were wanting something in September. She stated that they should bring this on before August the 23rd and let her see what it was about.

President Culver recognized Councilman Kling.

Councilman Kling asked Mr. Davis, concerning The Avenue project, if he could give them an estimate as to how much revenue the City would generate from this over a 20-year period, including sales tax for construction materials, et cetera. He asked what would be a reasonable, conservative amount on this.

Mr. Davis stated that he did not have the exact number, but that he did know it was in the 5 to 7 million dollar range for property tax and sales tax and the various use taxes. He stated that it was a very good deal for the City. He continued that per the contract the Council had approved, the developer had the right to purchase the property at fair market value, at the current appraisal at such point in time. He continued that in 2020, it would be appraised at the 2020 value, that it would not be set back in 2012 or 2013.

President Culver recognized Mayor Battle.

Mayor Battle stated that the approximate \$70,000 was the amount the developer was going to pay for the project, pay to the City to finish the project, because that was their investment in it.

Mayor Battle stated, concerning the overpass on High Mountain, that it was still involved in litigation, as he understood it, that the developer and ALDOT were in litigation at this time. He continued that until that was finished, they could not move forward with this overpass, which he noted was

already approved, as Ms. Reed had said.

President Culver recognized Councilman Showers.

Councilman Showers stated that he wanted to commend his fellow Council members who had attended the ribbon-cutting at Sonnie Hereford Elementary School and at McNair Junior High School. He urged them to also attend the Jemison High School ribbon-cutting on August 2.

President Culver asked if there was any further discussion.

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER