

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, SEPTEMBER 24, 2015

The Honorable Council of the City of Huntsville, Alabama met in regular session on Thursday, September 24, 2015, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Rev. Lynn Bullard led the invocation; President Russell led the pledge of allegiance.

The Minutes of the Regular Meeting of the Council on September 10, 2015, 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. Bill Steiner, Director of Information Technology Services, to come forward.

Mayor Battle stated that Mr. Steiner was the Director of

the IT Department of the City of Huntsville and was also part of the Cyber Huntsville team. He stated that October was National Cyber Security Awareness Month, and there was also the National Public Awareness Campaign. He stated that Huntsville had been working on cyber for approximately five years, noting that after Gen. Johnson, Joint Chief of Staff, had talked about cyber at the Space and Missile Defense Conference, he had felt it was something the City needed to work on. He stated that they had organized some teams that were already working in the cyber field in the city and stated that Mr. Steiner had been a big part of this. He asked Mr. Steiner to explain what had been done concerning this.

Mr. Steiner stated that one could go to the Cyber Huntsville site and see that they had been doing quite a bit, noting that they had been attempting to get the FBI to locate one of their labs in the city and that they were working very closely with Huntsville City Schools on their side of this program. He stated that he was sure many persons had heard about the schools' successes in their Cyber Patriot programs. He stated that they were attempting to make Huntsville the cyber capital, that when someone said "Cyber Security," they wanted persons to think "Huntsville."

Mr. Steiner stated, concerning the proclamation, that October was traditionally Cyber Security Month. He continued that there would be some things concerning this on the City's TV channel. He stated that cyber security was very important,

and that they were going to take it very seriously in the upcoming year and do a lot of advertising.

Mayor Battle thanked Mr. Steiner for his comments. He stated that he usually opened the attachments that were not supposed to be opened, and he got a warning back from the IT Department. He stated that he would certainly attempt to not open things such as this in the future.

Councilman Showers read and introduced a resolution recognizing Eagles' Nest Ministries Church for their Holy Convocation, featuring guest speakers Bishop Ann Hardman, Bishop Marvin Sapp, Bishop L. Spenser Smith, and guest psalmist, Kathy Taylor, to be held September 27-30, 2015, as follows:

(RESOLUTION NO. 15-710)

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

President Russell recognized Councilman Showers.

Councilman Showers stated that he would be presenting the resolutions at the event to be held September 27-30, at Eagles' Nest Ministries Church on Hollow Road, on behalf of the Council and the Mayor.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-579,

rezoning property lying on the west side of South Shawdee Road and on the north side of South Village Square Road from Neighborhood Business C-1A District to Residence 2-A District, which hearing was set at the August 13, 2015, Regular Council Meeting.

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

Ms. Nichols stated that the above property was approximately .25 acre and was located on the west side of South Shawdee Road and on the north side of South Village Square Road. She stated that this property was currently zoned Neighborhood Business C-1A District, and that it was a remnant left over from a City-imposed rezoning to clean up some of the various zoning districts on Green Mountain that were not needed. She stated that this property was one of the last slivers remaining and that the proposed rezoning request for the property was Residence 2-A District, which she noted was consistent with 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. 15-579, rezoning property lying on the west side of South

Shawdee Road and on the north side of South Village Square Road from Neighborhood Business C-1A District to Residence 2-A District, which ordinance was introduced at the August 13, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-579)

Said motion was duly seconded by Councilman Kling.

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

There was no response.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-581, rezoning property lying on the west side of U.S. Highway 231 South and on the north side of Magna Carta Place from Light Industry District to Residence 2 District, which hearing was set at the August 13, 2015, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that the above property was approximately 5.4 acres and was located on the west side of U.S. Highway 231 South and on the north side of Magna Carta Place. She stated that the property was currently zoned Light Industry, and the property owner was requesting that the property be rezoned to Residence 2 District. She stated that the property owner would like to do a future residential

development in this area and the current Light Industry District did not permit that type of development.

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 Showers moved for approval of Ordinance No. 15-581, rezoning property lying on the west side of U.S. Highway 231 South and on the north side of Magna Carta Place from Light Industry District to Residence 2 District, which ordinance was introduced at the August 13, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-581)

Said motion was duly seconded by Councilman Kling.

President Russell stated to Ms. Nichols that it was not often that someone wanted to change a zoning of Light Industry District to Residence 2 District, that this was very rare.

Ms. Nichols stated that it was very rare because there were fewer restrictions in Light Industry, but that it did not permit any single-family, detached residences.

President Russell stated that this sounded good to him.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-581, and it was unanimously adopted by the Council members present.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-583, zoning newly annexed property lying on the north side of Capshaw Road and on the east side of Autumn Branch Drive as Residence 2 District, which hearing was set at the August 13, 2015, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that this was newly annexed property and that it was approximately .42 acre and was located on the north side of Capshaw Road and on the east side of Autumn Branch Drive. She stated that the proposed zoning district for this property was Residence 2 District, which she noted was consistent with the remaining subdivision, which was all zoned Residence 2 District.

President Russell 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 whether this was annexed property and if it was located in Limestone County.

President Russell stated that it was annexed property. He inquired of Ms. Nichols if it was located in Limestone County,

Ms. Nichols replied in the negative, stating that it was

located in Madison County. She stated that she could zoom into the area on the displayed map. She indicated Capshaw Road, Wall Triana Boulevard, and the Autumn Branch Subdivision. She stated that a portion of the property had been developed prior to the remaining property being annexed into the city limits. She stated that at the time the property owner had requested annexation in order to have access to City sewer services, which she noted were not available in the county.

President Russell asked if there was anyone else 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. 15-583, zoning newly annexed property lying on the north side of Capshaw Road and on the east side of Autumn Branch Drive as Residence 2 District, which ordinance was introduced at the August 13, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-583)

Said motion was duly seconded by Councilman Showers.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-583, and it was unanimously adopted by the Council

members present.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-585, deleting Article 21, Neighborhood Business C-1A District Regulations, of the Zoning Ordinance of the City of Huntsville, Alabama, which hearing was set at the August 13, 2015, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that this proposed zoning ordinance amendment was to delete Article 21 from the City of Huntsville's Zoning Ordinance. She stated that Article 21 referred to the Neighborhood Business C-1A District Regulations. She continued that the only Neighborhood Business C-1A District that was existing in the Huntsville city limits was the property on Green Mountain. She stated that many of the density controls did not fit current development, so the Planning staff had recommended that this article be deleted in its entirety.

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 Showers moved for approval of Ordinance No. 15-585, deleting Article 21, Neighborhood Business C-1A

District Regulations, of the Zoning Ordinance of the City of Huntsville, Alabama, which ordinance was introduced at the August 13, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-585)

Said motion was duly seconded by President Russell.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-585, and it was unanimously adopted by the Council members present.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of the boarding and securing against certain properties.

President Russell recognized Ms. Michelle Jordan, Director of the Planning Department.

Ms. Jordan stated that the property owner had been given 30 days to board and secure this property. She continued that since the owner had failed to respond to the notice and the property was standing open and accessible, Community Development staff had boarded the property. She stated that the cost for this was \$284.44. She continued that they were asking for the Council's approval to assess the property owner for this.

President Russell asked if there was anyone in the

audience who would like to address this matter.

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared before the Council, inquiring as to whether this information could be put on the screen so that persons might see it.

President Russell asked Ms. Jordan if she had this information.

Ms. Jordan replied in the negative. She stated that she would be happy to share the address with Mr. Timberlake.

President Russell stated to Mr. Timberlake that if he would meet with Ms. Jordan, she would share the information she had available.

President Russell asked if there was anyone else 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 boarding and securing against certain property, as follows:

(RESOLUTION NO. 15-711)

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

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

There was no response.

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

President Russell 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 Ms. Jordan.

Ms. Jordan stated that the above resolution identified 27 properties that were in violation of the City's grass and weeds ordinance. She stated that since the time of this submittal, five property owners had paid their assessment, so that the new total number of properties that would be assessed was 22. She stated that all 22 owners had failed to respond, and that Community Development had issued work orders to cut the properties.

Ms. Jordan stated that at this time they were asking for the Council's approval to assess these costs.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, again appeared before the Council. He stated that he had approached the Council previously and had asked that Community Development make these documents available. He stated that Mayor Battle had been so gracious as to put a computer out in the lobby so

persons could see the documents, but noted that if the documents could not be reviewed, he did not see that this was of any assistance. He asked that the Council revisit this matter and seek for Community Development to make these pictures and the information he had mentioned available for public viewing.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution 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. 15-712)

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

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

There was no response.

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

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

Councilman Kling read and introduced a resolution setting a hearing for Madison County Shuttle for the operation of three special shuttles, at the October 8, 2015, Regular Council Meeting, as follows:

(RESOLUTION NO. 15-713)

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

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

There was no response.

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

President Russell moved for approval of a request to set a public hearing for AM Booth's Lumberyard, LLC, to appeal the disapproval of a Restaurant Retail Liquor License by the License Review Committee on September 17, 2015, at the October 8, 2015, Regular Council Meeting.

Said motion was duly seconded by Councilman Showers.

President Russell asked if there was any discussion concerning this matter.

Councilman Kling stated that he understood that the public hearing concerning this would be held at the October 8, 2015,

Regular Council Meeting. He asked if someone could provide a brief explanation as to why the Clerk-Treasurer's Office and the Police Department had disapproved this license.

President Russell asked Mr. Hamilton if he could comment on this matter.

Mayor Battle stated that he believed it would be only fair to the appellant to have this discussion at the public hearing so that they could answer whatever would be said by whomever in this case.

Councilman Kling stated that they could certainly do that.

President Russell called for the vote on the above motion, and it was approved by the Council members present.

President Russell stated that the next item on the agenda was Communications from the Public. He stated that persons would have three minutes to address the Council.

Rev. Dennis Green, 4614 Rutledge Drive, appeared before the Council, stating that on September 15, he had come to the Chambers to meet with the Zoning Board Committee on a variance to open a funeral home at 4906 Blue Spring Road, which he noted was the New Life Seventh Day Adventist Church. He stated that when he had arrived at that meeting, there was a lot going on, and that he was fifth on the list. He continued that when it was his turn to speak to the Board, representatives from another funeral home had walked in. He stated that the Board members had questioned him, and he had answered their questions.

Rev. Green stated that the point he was trying to make was that no one had objected to this, that the president had asked if there was anyone that objected to it, and that no one had objected. He stated that they had required him to send out 95 letters to different homes in the area, and that he had done so. He stated that they had asked him if he had done this, and he had replied in the affirmative. He stated that he had not only sent out the 95 letters, but he had knocked on 87 of those doors in the community. He stated that all the persons were not at home, but he had done this.

Rev. Green stated that he was asking the Council to look into this matter, because he did not believe he had been treated fairly. He stated that they had not turned him down, but they also had not told him that he had the right to do what he had requested. He stated that he was appealing to the Council to look into this matter and let him know something on it.

Rev. Green stated that on the prior Monday, he had finally received a letter from the Zoning Board, and that in that letter, it still just said that the property was zoned R-1B, that that was all it said, so that he felt he had still not received an answer.

Rev. Green stated that he did not believe another funeral home in the city should stop anyone from going in business. He stated that Burger King could not tell a Krystal not to come to town.

Rev. Green stated that if the Council would look into this a little deeper, he believed they would find out exactly what had happened, and that that was why he was coming to the Council first and asking them to look this over and reconsider it, or something. He stated that he just needed some answers.

Rev. Green stated that it was very unfair that no sooner than he stepped up on the stage to speak, representatives from another funeral home had come in. He stated that he was sure they were very familiar with some of the persons on the Board, with eyes winking and heads nodding, and their coming in at the same time of his request. He stated that he just did not believe this was fair. He stated that at least they could give him a sound answer and tell him why, other than it was zoned R-1B. He stated that the Council changed zonings every day, that they were familiar with this.

Rev. Green stated that he would like for the Council to explain to him how this variance situation really worked. He stated that if the people in the area did not object to it, and no one had objected to it, it did not seem that this was fair. He stated that some of the very persons the Council had on that Board knew exactly what was going on. He stated that they did not need to have this going on in Madison County.

Rev. Green stated that he had been working in the funeral industry for 32 years, that he was presently employed with the Reynolds Funeral Home in Decatur. He stated that they could keep a whole lot of money in Madison County, but that the

politics that went on were bad. He stated that the Council members should remember that election time was right around the corner. He stated that he was appealing to the Council now to give him some answers on this.

President Russell stated to Rev. Green that he was not familiar with the situation. He asked Mr. Joffrion if he was familiar with it.

Mr. Joffrion stated that this was a matter that had gone before the Board of Zoning Adjustment.

Mr. Joffrion stated to Rev. Green that the City Council did not have any authority to override or modify any decision of the Board of Zoning Adjustment. He stated that Rev. Green did have the right to appeal their decision through the Circuit Court of Madison County.

Rev. Green stated that he had already appealed it.

Mr. Joffrion stated that if Rev. Green had already appealed it, the Circuit Court would hear his case as if it were brand new, as if it had not been heard previously. He stated that nothing that had happened at the lower level would have any input on what would happen at the Circuit Court level.

Mr. Joffrion stated to Rev. Green that the standard on this was not whether there were more surrounding residents who were in favor of this than opposed to it, that the standard was whether or not there was a hardship on the property that would prevent it from being used for its intended or zoned purpose. He stated that if the property had been used in the past for

some other purpose that was consistent with the zoning, the fact that Rev. Green might want to have it changed to a funeral home, which he noted was not permitted in that district, did not necessarily mean there was a hardship on the property.

Mr. Joffrion stated that that would be an issue for the Circuit Court to decide if Rev. Green had appealed this. He stated that the City Council did not have any authority to affect that decision at all, that it would simply be a matter for the Circuit Court to decide.

Mayor Battle stated to Rev. Green that Mr. Shane Davis, the City's urban developer, was present, and that he would like for him to talk with Rev. Green about this process, et cetera, and what the City could do and could not do. He stated that Mr. Davis would meet with Rev. Green before he left the meeting.

Rev. Green stated that he was not leaving at this time.

President Russell recognized Councilman Showers.

Councilman Showers asked if there was anyone present from the Planning Department that could tell the Council what zones in the city of Huntsville permitted funeral homes.

President Russell recognized Mr. Jim McGuffey, Manager of Planning Services.

Mr. McGuffey stated that the district they were speaking of was a residential district, and that Rev. Green would need to get into a Commercial or Industrial District, which he noted were primarily located on larger roads, that would be more

appropriate for a funeral home.

Councilman Showers asked if a church could be located in any zoning area.

Mr. McGuffey replied in the affirmative, stating that churches were allowed in residential zoning districts.

Councilman Showers asked what R-1B was.

Mr. McGuffey stated that it was a single-family, residential zoning district, which he noted also allowed for churches and municipal, state, or federal uses.

Councilman Showers asked if it was correct that this zoning did not allow funeral homes.

Mr. McGuffey replied in the affirmative.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she wanted to congratulate Mayor Battle for announcing he was again running for Mayor, noting that she was certain he was going to have some opposition. She stated that no matter how difficult the heat may have been, Mayor Battle had always held a smile and handled matters with a gentlemanly approach, and that she appreciated that. She stated that he had done some good.

Ms. Reed stated that there was a lot of corruption going on in the zoning variance board and that it needed cleaned up and cleaned out, in her opinion.

President Russell asked Ms. Reed if she had any facts concerning this, noting that she should not make such accusations without facts.

Ms. Reed stated that she was at the meetings and saw what they did, that they ran up and down and shook persons' hands, that she knew what they did.

President Russell stated that if Ms. Reed had facts concerning this, she could continue, but that if she did not have facts, she should move on to another matter.

Ms. Reed stated that the Council could get a variance for anyone on anything they wanted to in the city. She stated that persons had begged and prayed and done everything to stop the Walmart on the corner of Westlawn, but that it had not mattered how many churches, how many people, or how many businesses were opposed, that it was changed anyway, that it was changed for the developers. She stated that for this funeral home, they could make changes, just like for everybody else.

Ms. Reed stated that this person wanted a business, and that her understanding was that at this meeting of the variance board, they had been winking and talking and telling everyone not to do it. She stated that she would get off of this, but that it did go on, and that the Council appointed these persons. She stated that they needed to talk to some of these people. She stated if the church had this property up for sale and they were trying to get it rezoned, they should look into it and find out why Rev. Green could not have a business at that location. She stated that Laughlin had one, Berryhill had one, and Spry had one, and that they should just put them all in, let them all go into business. She stated that the City

needed the money, every bit of it.

Ms. Reed stated that she wanted to thank someone for getting the road fixed on Bob Wallace concerning the situation that she had brought up at the prior Council meeting.

Ms. Reed stated that she had recently passed by the Aquatic Center and the Scruggs Center, and that there were so many cars there that there were not enough parking spaces. She stated that she was sad that the Council was going to move this out of the city, that it needed to stay where it was, noting that persons who would be coming to the hotels could go there and swim and work out. She stated that it was a central location and a good place for the Council to look at. She asked that they quit giving everything away.

Ms. Reed stated that she was still concerned about the Coca-Cola plant, noting that there was not a "For Sale" sign up on this property. She asked if they were holding this until after the mayoral election the following year, so that they could put the Stars on this property. She stated that she certainly believed this was what they were doing. She stated that if they tore down Joe Davis Stadium, they should all be defeated at the next election.

Councilman Kling stated that there was an old saying that if one did not refute something, persons just assumed that it was true. He stated that he believed City government had done a lot of things pertaining to the Westlawn property, looking after the interest of the neighborhood. He continued that the

fire station in the area had been saved. He stated that he believed Shane Davis would talk later in the meeting specifically about some of the things that were taking place on that property. He stated that among other things that were taking place, there would be a neighborhood incubator. He stated that this had been perceived by residents in the neighborhoods as being much more to their liking than some of the alternatives that had been mentioned.

Councilman Kling stated that this issue had come down to the school superintendent and the School Board, noting that they were independent, as he had stated many times. He stated that they had said that had the rezoning not been approved, the property would be used as a barbed wire enclosed bus storage area, and noted that to him this would have been a slap in the face for West Huntsville.

Councilman Kling stated that while the ultimate results of this property might not be perfect, or 100 percent toward what he would have liked to have seen, this alternative, plus the business incubator and keeping the fire station, were much more acceptable to him, and he believed to a majority of the residents of West Huntsville, than a bus storage area surrounded by barbed wire. He stated that it was not a perfect thing, but that he believed the Council had made the best decision under the circumstances.

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

President Russell read and introduced a resolution authorizing the Mayor to execute an Amendment to the Power Contract between TVA and the City of Huntsville, to modify certain aspects of the manufacturing credit agreement (Utilities: Electric), as follows:

(RESOLUTION NO. 15-714)

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

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

There was no response.

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

President Russell asked if Mr. Joe Gehrdes of Huntsville Utilities had anything he would like to add.

Mr. Gehrdes stated that he would like to thank the Council for joining them in a news conference for the kickoff of the Huntsville Extreme Energy Makeovers Project they were doing with TVA. He stated that he particularly wanted to let them know they already had approximately 161 homes in the pipeline, with 20 of them having been completed. He stated that there were an additional 100 that had had survey inspections performed and that would qualify for the work. He stated that they had approximately 70 homes that were waiting to be

surveyed.

Mr. Gehrdes stated that it had been a great kickoff and thanked the Council for joining them at the event.

Councilman Showers asked Mr. Gehrdes if he would tell the Council and the public where these homes were located.

Mr. Gehrdes stated that some of these were Huntsville Housing Authority properties and stated that he could not remember the name of this development.

Mr. Gehrdes stated that the homes were spread out across the city, noting that he did not believe they had done any homes in the county yet, but stated that the program did apply to their entire service area, which he noted was Madison County. He stated that he could get some more specific information on this to furnish to the Council at their next meeting, and that he would be happy to do so.

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

Councilman Kling read and introduced a resolution to reappoint Burt Webster to the City Tree Commission, for a term to begin October 8, 2015, and expire October 8, 2017, as follows:

(RESOLUTION NO. 15-715)

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

Councilman Kling read and introduced a resolution to reappoint J. Elbert Peters to the City Tree Commission, for a term to begin October 8, 2015, and expire October 8, 2017, as follows:

(RESOLUTION NO. 15-716)

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

Councilman Showers read and introduced a resolution to appoint Todd Howard to the Madison County 310 Board, for a term to begin September 24, 2015, and expire April 1, 2017, as follows:

(RESOLUTION NO. 15-717)

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

President Russell asked if there were any Board Appointment Nominations.

There was no response.

President Russell 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. 15-718)

Councilman Showers moved for approval of the foregoing

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

President Russell asked Councilman Showers if there was a Finance Committee Report.

Councilman Showers asked Mr. Ken Benion, Interim Finance Director, for an update on the new computer program that was being put in place.

Mr. Benion stated that they expected to go live with the new Munis system on October 1. He stated that, as the Council had previously approved, they would be processing payroll early, on September 30, so they could cut off the old system. He stated that they believed everything was going fine, and they expected the system to be up and running. He stated that they had input the budget that had been passed at the prior Council meeting, and they looked forward to moving forward with the new system.

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

President Russell recognized Mayor Battle.

Mayor Battle stated that they had had training on this date on the new system that Mr. Benion had discussed, noting that he felt certain he would need more training. He stated that they had started working on the new Munis system, and that there were two small glitches they were trying to work out. He stated that the new system was going to give them a lot better management tool for budgets, when they were handling

\$185 million. He stated that each of the managers would be able to look and immediately see where their money was, how much they had, how much they had spent, and how they were working into the year's budget. He stated that he was looking forward to this and thanked everyone who had worked on this for all their hard work, including the IT department, the Finance Department, Carlos Bowden, and everyone else who had pitched in and really make this an effort that would make them much more accountable in the City and make it much easier to make sure they were accountable.

Mayor Battle stated that Ms. Reed had mentioned that Laughlin, Berryhill, and Spry all had funeral homes, and noted that these entities were all in the proper zones for such a business. He stated that that was the problem and the question mark that they were trying to work out in the particular case Ms. Reed had mentioned. He stated that obtaining a rezoning in the City of Huntsville involved a long process, that one had to go through the Planning Commission, first going through a subcommittee of the Planning Commission and getting approval there, and then going through the full Planning Commission, and then after that, there had to be a public hearing, have a public hearing set before the Council, and then get through the Council. He stated that it was not an easy process to go through to get a rezoning.

Mayor Battle stated that what Rev. Green had asked for was not a rezoning but a variance for the property, noting that a

variance was saying that they were going to use property outside of how it was zoned. He stated that in order to get a variance, one had to show hardship, that that was according to the City of Huntsville laws. He stated that they had to be able to show a hardship for the reason a variance was being asked for on the property, because they did not want to have spot zoning in the city, that they did not want to all of a sudden have something in the middle of a residential neighborhood that was a business. He stated that this was part of the City's process.

Mayor Battle stated that he hoped this gave persons an idea about where they were on this situation. He continued that he hoped Rev. Green could talk to Mr. Davis, and they could come to something that would be mutual and agreeable to everyone. He stated that he hoped they could find something, because they definitely wanted people to be in business in the city of Huntsville and wanted to support businesses as they came into the city.

Mayor Battle made the following reappointment:

Ken Creel to the City Tree Commission, for a two-year term to begin October 8, 2015, and expire October 8, 2017.

Mayor Battle stated that there were a lot of things going on in the city, noting that the Greene Street Market was going on at this time, and that Music on the Square was going on at this time, as well as on Friday evenings. He continued that there were public art displays and games available throughout

downtown.

Mayor Battle stated that the Healthy Huntsville Walk would be on the following day, September 25, at 11 a.m., on the newly constructed section of Old Madison Pike, noting that they would be opening that road. He stated that they would be cutting the ribbon to open this road at 12:15 p.m.

Mayor Battle stated that the upcoming weekend was homecoming for Alabama A&M University, and that the parade would start at 9 a.m., on A&M's campus. He stated that the Bulldogs would be hosting the University of Arkansas-Pine Bluff at 1 p.m. at Lewis Crews Stadium.

Mayor Battle stated that on the upcoming Saturday there would be the Mercury Rising Chili Fest at the Huntsville Depot Roundhouse, from 11 a.m. until 4 p.m.

Mayor Battle stated that the International Festival would be taking place on the following Saturday at the University Fitness Center at UAH, from 9:30 a.m. until 5 p.m.

Mayor Battle stated that National Night Out, sponsored by the Huntsville Police Department at the Jaycee Building, would be held on October 6, from 5 p.m. until 7 p.m. He stated that this was a night to sit back and reflect on how to be a little safer and respect those persons who had been victims of some of the worst crimes. He urged persons to attend and get some lessons on how to be a little safer, how to be part of Community Watch, and how to be part of a safe community.

President Russell stated that the next item on the agenda

was Communications from Council Members.

President Russell recognized Councilman Kling.

Councilman Kling thanked the persons who had attended his town meeting on the prior Monday evening, noting that they had had a good roundtable discussion on a lot of good issues.

Councilman Kling stated that Mr. Timberlake had attended his town meeting and stated that, as the Council members were aware, Mr. Timberlake was always interested in open records. He stated that Mr. Timberlake had asked him a question to which he had not known the answer. He asked if the City actually had a printed policy concerning open records. He stated that he was aware that Mr. Joffrion was able to respond to what could be released and certain things that could not be released, such as matters concerning litigation. He asked if they could determine if there was a written policy concerning this, and if there was, if they could somehow have it posted so that persons could know up front concerning the availability of information requests.

Councilman Kling stated that he believed this would take care of some of the concerns Mr. Timberlake had about this matter. He stated that he had advised him that he would check to see if there was a policy, and if there was, if they could have it printed out.

President Russell recognized Mr. Joffrion.

Mr. Joffrion stated that State law itself provided the general guidelines regarding open, or public, records. He

stated that adopting a policy specifying which records were public and which were not would be difficult to do. He stated that this could be done with some of the records, as some were very clear and obvious, where others were not. He stated that it would be a very comprehensive list to try to make a list of everything the City did, collectively, with all 2200 employees, that might generate records that were public records.

Mr. Joffrion stated to Mr. Timberlake that he had the records he had previously requested available. He continued that he had tried to email him concerning this a couple of times, noting that this was the only way he was aware of that he could get in touch with Mr. Timberlake. He stated that Mr. Timberlake could come up to the sixth floor and get these records, unless there was an address to which he wanted them to be mailed, and that he would be happy to do that.

Councilman Kling stated that the prior week he had had the privilege of being the guest speaker at the Fleming-Westbury Civic Association meeting, noting that that was the first time he had ever attended a meeting of that group that Tom McAdams was not present. He stated that he understood Mr. McAdams was having some health issues, and that they certainly missed his presence. He stated that this was a great organization in that neighborhood.

Councilman Kling stated that he had spoken with Mr. Shane Davis over the last several days about the Westlawn matter and asked Mr. Davis if he could comment on the

discussion he had had with Mr. Wieland and efforts that would be occurring concerning the Westlawn property. He continued that he believed they could assume that the School Board was going to do what had been reported previously, as far as the tenants there. He asked if Mr. Davis could comment on some of the things the City would be doing concerning this property.

Mr. Davis stated that he had had several conversations concerning this matter in the prior week and during the current week. He stated that Mr. Hamilton and himself had met with Mr. Kruse, who was a pending purchaser for the remaining portion of Westlawn, and that he had also spoken with two of the most engaged citizens in the neighborhood concerning this matter. He stated that the neighborhood had come around once they had sat down with them and been open and transparent as to what the full plans for Westlawn were.

Mr. Davis stated that Mr. Kruse was interested in a business incubator at this location, as well as some regional and local type retail along the front of the property. He stated that there were also some things that the Neighborhood Market would bring to the community, and that there would also be new development across the street that would improve that area. He stated that he believed the neighborhood was now feeling very comfortable with the plan.

Mr. Davis stated that they were very glad to be working with Mr. Kruse, noting that the plans he had disclosed recently were very exciting. He stated that they would continue to work

with him, as they did in other parts of the city, to make sure the neighborhoods were not only represented but would be proud of what would be put on the ground.

Councilman Kling stated that he was aware that Mr. Kruse had done a very good job with the old West Huntsville Elementary School in Lowe Mill, that he certainly had a very commendable track record.

Councilman Kling stated that he had heard from persons that, as far as the retail, coffee shops, restaurants, and small boutiques would be nice for the area.

Mr. Davis stated that he believed that was what they would see, that this was the concept Mr. Kruse wanted to put on the front of the incubator space, more of a regional type retail, not so much big box but local and regional type shops, which would fit very well into the neighborhood.

Councilman Kling thanked Mr. Davis for his comments.

President Russell recognized Councilman Showers.

Councilman Showers asked that on the next work session agenda of the Council they include the Alabama Non-Violent Offenders Organization, that this be one of the topics to be discussed.

Councilman Showers stated he would like to commend Public Works and the departments that handled street paving, noting that Pulaski Pike had just had another phase put in, that from Oakwood to Sparkman Drive had been repaved. He stated that the residents in North Huntsville were certainly

excited to have this done. He stated that, however, he had been bombarded recently concerning Oakwood Avenue from Pulaski Pike to Jordan Lane, noting that this section was in need of upgrading immediately. He stated that he could not continue to tell the citizens in that area that he represented that they were going to do this soon, noting that he was telling them what he was being told.

Councilman Showers stated to Mr. Hamilton that he had discussed this with him and asked if he could add any comments to this, concerning that perhaps they had some extra dollars and would be able to complete this project. He stated that Oakwood was done from Andrew Jackson Way to the Parkway, and they now needed to go from Pulaski Pike to Jordan Lane.

Mr. Hamilton stated that Public Works was completing their assessments of all the streets they would address in the new fiscal year, so that when the money became available to them on October 1, based on the budget the Council had recently passed, they would be able to go through the contracting process. He stated that they had not finalized this list, and that they would still rely on Huntsville Utilities and WPC to do any of the utilities repairs before they could actually repave any streets. He stated that the road Councilman Showers had mentioned was high on the list, that it was one of the collector roads and was one of the ones that was in the worst condition, which he noted was recognized. He stated that they were working through this process, to ultimately get this to a

contracting process. He stated that he believed this would occur within the next six to nine months, when these contracts would be executed.

Councilman Showers thanked Mr. Hamilton for his comments, noting that many citizens he represented listened to the Council meetings.

Councilman Showers stated that he was excited about the upcoming weekend, noting that he was a Bulldog, an alumnus of Alabama A&M University. He stated that this was a big weekend for Alabama A&M, that it was Homecoming, and they were excited about all the activities that would be occurring and had been occurring. He stated that at the breakfast earlier in the day, there had been a huge turnout supporting Coach James Spady.

Councilman Showers stated that the game on the following Saturday would be at 1 p.m. and urged persons to come out for it. He stated that he would like to caution everyone that if they parked in areas that were not appropriate, their vehicle would be towed away. He stated that there was plenty of parking at the stadium, noting that it was \$10, and that persons should pay this and park inside the stadium. He continued that if they parked near the road, the Parkway, on either side of the Parkway, their vehicle would be towed.

Councilman Showers stated that at 9 a.m. on Saturday, there would be the parade, and that it would start on the east side of the campus, off Chase Road. He stated that he would like to say to all the persons that would be coming from out of

town to the game that there was a lot to offer in the city, that there would be a lot going on in the downtown area during the weekend, and that he wanted to encourage them to enjoy Huntsville and spend their money while they were in the city.

Councilman Showers stated that his recent town meeting had been a very good meeting, noting that the department heads and others had been there to answer questions and had done an outstanding job. He thanked the citizens who had attended this meeting.

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

President Russell moved for approval of Ordinance No. 15-693, annexing land lying on the east side of U.S. Highway 231 North and on the north and south sides of George Chapman Drive, which ordinance was introduced at the September 10, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-693)

Said motion was duly seconded by Councilman Showers.

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

Ms. Nichols stated that the property was approximately 13.42 acres and was located on the east side of U.S. Highway 231 North and on the north and south sides of George Chapman Drive. She indicated the area on a displayed map, noting the location of Countess Road and Greenlawn Plantation. She stated that the property owner was petitioning

for annexation in order to have access to City services. She stated that this was currently vacant land and that it was proposed to be used for a future commercial development.

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

There was no response.

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

President Russell recognized Councilman Showers.

Councilman Showers asked if Ms. Nichols could again show the map she had just displayed. He stated that he would like to know what properties were in the county and what properties were in the city in that particular area.

Ms. Nichols again displayed the map. She stated that everything that one could see that was not shaded in a greenish-yellow color was in the Madison County jurisdiction and anything that was highlighted in the greenish-yellow color was in the Huntsville city limits.

Councilman Showers stated that Countess Road was in his district and asked if from the north side of Countess Road from the Parkway all the way east to the curve was in the city.

Ms. Nichols replied in the affirmative.

Councilman Showers stated that on the south side he could see a marker showing that was in the city. He asked if on the north side of Countess Road, from the Parkway to the same

point, if it was not in green, it was in the county.

Ms. Nichols replied in the affirmative.

Councilman Showers asked if it was correct that if they went to the west on the display, that property was surrounded by the city.

Ms. Nichols replied in the affirmative. She stated that, traditionally, the City did not annex existing subdivisions, and that most of these were existing subdivisions prior to the annexation of some of the other areas. She indicated an area which she stated connected to Greenlawn Plantation, and stated that this had been annexed in 2011, noting that it had been vacant property prior to being developed. She stated that the single-family detached homes which she was indicating were not a part of the specific subdivision, that they were just metes and bounds properties, so that they were eligible for annexation.

Councilman Showers asked her to again look to the west, asking that she indicate Greenlawn. He asked if this was the area that was being requested to be rezoned.

Ms. Nichols stated that it was just the vacant land that was highlighted in purple. She stated that the actual Greenlawn Plantation subdivision which she was indicating was not requesting annexation. She reiterated that the City did not annex existing subdivisions from the County.

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

President Russell read and introduced Ordinance No. 15-719, amending Section 18-36, Sidewalk Cafes, Vendors, and Mobile Food Vendors, of the Code of Ordinances of the City of Huntsville, Alabama, to amend hours of operation for mobile food vending units.

President Russell read and introduced Ordinance No. 15-720, amending Chapter 25, Article IV, Division 2, Section 25-245 (f), Fees and Rates for Off-Street Parking Facilities, of the Code of Ordinances, City of Huntsville, Alabama.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action. He stated that item 15.q had been deleted from the agenda.

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 Public Safety to accept the FY 2015 High Intensity Drug Trafficking Area (HIDTA) Grant, as follows:

(RESOLUTION NO. 15-721)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a professional services contract between the City of Huntsville and Stanard &

Associates, Inc., as follows:

(RESOLUTION NO. 15-722)

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

President Russell read and introduced a resolution authorizing the Mayor to execute the renewal agreement between the City of Huntsville and Blue Cross Blue Shield of Alabama for group health insurance administrative services, as follows:

(RESOLUTION NO. 15-723)

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

President Russell read and introduced a resolution authorizing the Mayor to renew a group accident insurance policy for volunteer workers with Markel Insurance Company, as follows:

(RESOLUTION NO. 15-724)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 7 to the

agreement between the City of Huntsville and Behavioral Health Systems, Inc., as follows:

(RESOLUTION NO. 15-725)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an application for excess workers' compensation insurance with Safety National Casualty Corporation, as follows:

(RESOLUTION NO. 15-726)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a renewal agreement with Lincoln Financial Group for group life, AD&D, and LTD insurance, and voluntary life and AD&D insurance, as follows:

(RESOLUTION NO. 15-727)

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

President Russell read and introduced a resolution

authorizing the Mayor to execute a Special Employee Agreement between the City of Huntsville and Phyllis J. Smith, as follows:

(RESOLUTION NO. 15-728)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Special Employee Agreement between the City of Huntsville and Joyce Douglass, as follows:

(RESOLUTION NO. 15-729)

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the workers' compensation claim of Marco Collier, as follows:

(RESOLUTION NO. 15-730)

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

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

City of Huntsville, Alabama, and Sally K. Davis, as follows:

(RESOLUTION NO. 15-731)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Family Services Center, Inc., for Housing Counseling Program, as follows:

(RESOLUTION NO. 15-732)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and Family Services Center, Inc., to modify budgeted items, as follows:

(RESOLUTION NO. 15-733)

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

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

City of Huntsville and Second Mile Development for use of Urban Development Action Grant funds, to assist the Terry Heights/Hillandale Neighborhood Association, as follows:

(RESOLUTION NO. 15-734)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Willow Bend Mortgage Company, LLC, as a Participating Lender for the Down Payment Assistance Program, as follows:

(RESOLUTION NO. 15-735)

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

President Russell read and introduced a resolution authorizing the Mayor to approve and submit the 2014 Consolidated Annual Performance and Evaluation Report (CAPER) to HUD, as follows:

(RESOLUTION NO. 15-736)

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

members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and the Huntsville/Madison County Chamber of Commerce, as follows:

(RESOLUTION NO. 15-737)

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

President Russell read and introduced an ordinance declaring certain equipment, identified in Exhibit "A," as surplus, and approving the disposal of said equipment, as follows:

(ORDINANCE NO. 15-738)

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

President Russell moved for approval of a request for authorization to advertise and fill vacant position of Parking and Public Transit Services Worker in the Parking Division, which motion was duly seconded by Councilman Showers and was unanimously approved by the Council members present.

President Russell read and introduced an ordinance correcting an error in the legal description of land annexed and described in Ordinance No. 15-694, as follows:

(ORDINANCE NO. 15-739)

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

President Russell read and introduced an ordinance correcting an error in the legal description of land annexed and described in Ordinance No. 15-695, as follows:

(ORDINANCE NO. 15-740)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the Department of Defense, Office of Economic Adjustment, for grant funding to hire a consultant to prepare a Joint Land Use Study for areas surrounding Redstone Arsenal, as follows:

(RESOLUTION NO. 15-741)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Garver, L.L.C., for Engineering Services for an Interchange Modification Study, for access improvements

along Interstate 565 at Exit 13, between Research Park Boulevard and Madison Boulevard, Project No. 65-14-RD13, as follows:

(RESOLUTION NO. 15-742)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and SJ&L General Contractor, L.L.C., for Jefferson Street Streetscape Improvements, Phase I, Project No. 65-15-SP04, as follows:

(RESOLUTION NO. 15-743)

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

President 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. 15-744)

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

members present.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 14-665 by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 15-745)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 14-665 by changing appropriated funding for various department and funds, as follows:

(ORDINANCE NO. 15-746)

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

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

Mr. Ralph Timberlake again appeared before the Council, congratulating Mayor Battle and Councilman Showers for again offering themselves up for public service.

Mr. Timberlake stated that he was concerned about transparency. He stated that Councilman Kling had already mentioned the fact about records being made available. He stated that the City needed a policy so that citizens would be able to get an answer concerning this, noting that at this time

there was no time limit as to when the City would respond to such requests. He stated that citizens should also be informed as to where an appeal should be sent. He stated that he was very concerned because when he had sought to acquire information under 5 U.S.C. 552 and 552A and the Alabama Open Records Law at the Police Department, he was not given any kind of assistance. He continued that he had sought to file an Internal Affairs complaint, and that he had been told he could not file a complaint.

Mr. Timberlake stated that it had been his understanding when he had previously come before the Council that he would be able to file an Internal Affairs complaint unencumbered, and that whatever IA returned on its investigation, that was what it would be. He stated that that was understandable, but noted that the way this was handled, he was very concerned, and that he considered that there might have been malfeasance taking place by some of the police personnel in the Records Department.

Mr. Timberlake stated that the Records Department should not be something that citizens should be afraid of, that it should be something that they should be guided through. He stated that if one asked a question, as a citizen, the employee should consult the attorney's office, because the attorney worked for the City. He stated that the attorney's office did not work for him, did not represent him, that it represented the Council and gave them advice, and the Council decided what

they would do with the advice.

Mr. Timberlake stated that he would be looking forward to getting this information and stated that he would appreciate an explanation as to why he had had such a difficult time in acquiring this information, and that he would like to know what procedure, in the future, he and other citizens similarly situated would need to adhere to in order to get an application and petition addressed.

Ms. Jackie Reed again appeared before the Council, stating that she would like for the Council to recognize the Oakwood University students that were in attendance at the meeting, to see government working at its best. She stated that she believed it was great that young people took an interest in what was going on around the city.

Ms. Reed stated that she would like for the record to show that Councilwoman Jennie Robinson and Councilman Culver were not in attendance at the meeting. She asked President Russell if he had announced this earlier in the meeting.

President Russell replied in the negative, stating that the record would so reflect.

Ms. Reed stated that she would like to thank the Mayor for standing firm at the prior Council meeting on the budget, concerning giving the employees a 1 percent COLA. She stated that she was proud of the way he had handled that, with the votes he had had against him. She urged the Council to go ahead and take the vote to give the employees the 1 percent

COLA.

Ms. Reed stated that she disagreed with Councilman Kling about the neighborhood at Westlawn. She stated that she had been involved in all the meetings concerning this around the city, and that the church did not want that development, and the shopping center in the area did not want it, and the neighbors had asked for it not to happen. She stated that Gibson's had gone out of business, that the gas station was going out of business, and the pawn shop was going out of business, and John's Big Brothers was thinking about going out of business. She stated that they should think about all the business people that were going out because of what they had done with this property. She stated that Terry Heights should have been built on the Westlawn property. She stated that it appeared that none of them were interested in the school system.

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

There was no response.

President Russell asked if someone from Oakwood University would like to address the Council.

Ms. Kaylah Joseph appeared before the Council, stating that they were students from Oakwood University's Social Work Department, and that they were currently taking a welfare policy class so they had wanted to come out and see how Huntsville's government operated.

Ms. Joseph stated that she had recently sent Mayor Battle and Councilman Showers emails requesting that they get involved with the UNCF, and that she had seen that there was something going on in the community where they were sponsoring children and letting the community know that they cared about their education and wanted to see them succeed. She stated that if the City wanted to respond to her email, that would be great.

Ms. Joseph that on behalf of Oakwood University and the Social Work Club, they were honored to be in attendance at the meeting.

Upon motion duly seconded, the meeting was adjourned.

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PRESIDENT OF THE CITY COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK-TREASURER