

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, SEPTEMBER 26, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, September 26, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order. Minister Bruce Martin of the 100X Church led the invocation; Councilman Olshefski led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on September 12, 2013, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Ms. Joy McKee to come forward, noting that she was the head of Cemeteries, Landscape, and The Green Team, and that at this time she was appearing in her capacity as head of The Green Team. He stated that he had a proclamation about National Plug-In Day, noting that they were

declaring September 29, 2013, as National Plug-In Day. He stated that there were some persons present who were plugging in their cars, noting that his car was plugged in downstairs at this time. He continued that he was getting 90 miles per gallon.

Ms. McKee stated that they had the Tennessee Valley Electric Vehicle (EV) Drivers Group present, noting that at this time there were 23 persons in this group. She stated that they were beginning to see this excitement in Huntsville, starting with the Mayor, and that there would be more and more electric vehicles.

Ms. McKee stated that Huntsville had eight Level 2 charging stations, located at car dealerships, et cetera, and there would be more coming. She stated that they had just completed an EV Readiness Score Card activity with Huntsville Utilities and other City departments in preparation for receiving future funds to support infrastructure projects from the Alabama Clean Fuel Coalition and the Tri-State DOE Clean Cities Program.

Ms. McKee stated that she was going to turn the microphone over to Josh Pritt and he would provide some interesting facts and further information about National Plug-In Day.

Mr. Josh Pritt appeared before the Council, expressing appreciation to Mayor Battle for the EV Friendliness he had shown, noting that he was saving the City hundreds of dollars in gasoline cost by driving an EV vehicle, which he noted had

been donated by Woody Anderson Ford.

Mr. Pritt stated that he would also like to thank the City Council for its interest in improving the City's EV infrastructure, including charging stations, solar parking pavilions, and solar power for residential and commercial buildings. He stated that his group looked forward to their continued support as they pushed to increase the availability of charging stations in the area and as they worked to meet and exceed the level of support their friends and neighbors in Tennessee enjoyed.

Mr. Pritt stated that for those unfamiliar with National Plug-In Day, they could find an official event description at pluginday.org. He stated that this was a nationwide celebration to heighten awareness of today's widespread availability of plug-in vehicles and highlight the benefits of all-electric and plug-in hybrid electric cars, trucks, motorcycles, and more. He continued that they were fun to drive and were less expensive and more convenient to fuel than gasoline vehicles, that they were better for the environment, promoted local jobs, and reduced dependence on foreign oil.

Mr. Pritt stated that this event in Huntsville was one of 95 all over the United States and was the only one in Alabama. He stated that this event marked the Third Annual Plug-In Day and the second year for this in Huntsville. He stated that the prior year they had had more than 100 visitors and had given more than 50 test drives. He stated that since the prior

year's event, there were twice the number of available makes and models of all-electric and plug-in models available. He stated that persons should keep this in mind when looking for their next vehicle purchase.

Mr. Pritt stated that they were very happy about this year's event and that they had extended it from the prior year to include a day of family fun, education, and awareness. He invited everyone to attend the event at the Redstone Energy Low-Powered Demonstration Park at the corner of Airport Road and Memorial Parkway on the following Sunday from 10 a.m. to 6 p.m. He stated that their team of volunteers was anxious to show the public how they too could fuel their electric car with energy directly from the sun.

Mayor Battle presented the proclamation to Mr. Pritt.

Ms. McKee stated that currently Green Team was taking up donations to get a new vehicle because they also wanted to get plugged in.

Mayor Battle stated that for approximately two years he had driven a Ford Focus, a plug-in which he noted had gotten the equivalent of 112 miles per gallon. He stated that it had less of a carbon imprint and was a great car to drive. He stated that after the Ford Focus, he had gotten a C-Max, which was an electric car which went up to 20 or 30 miles on electricity and then it went hybrid, and the hybrid would go 30 to 35 miles per gallon. He stated that one could drive it to Birmingham or Tuscaloosa and still get approximately 50 miles a

gallon. He stated that this was a great way to save on energy costs and also save the environment. He urged persons to come out on the following Sunday to see all these cars.

Councilman Kling read and introduced a resolution authorizing the City of Huntsville's participation in the Compassionate Cities Campaign, as follows:

(RESOLUTION NO. 13-691)

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

Mayor Battle asked Mr. Kenny Anderson to come forward, noting that he was head of Multicultural Affairs in the City. He stated that they had a resolution declaring the month of October as Compassionate Action Month in the city.

Mr. Anderson asked persons in the audience who were supporting this to also come forward. He stated that approximately two months prior, they had commenced talking with a coalition of City leaders and community organizers about an international campaign for Compassionate Cities. He stated that they recognized that the City was known for technology, engineering, education, and a lot of other great things, and they realized that in the context on this, Huntsville was a very compassionate city that provided lots of services. He stated that some of the individuals that were with him at this time represented such agencies and organizations.

Mr. Anderson stated that this international campaign was a

campaign for compassion, basically demonstrating a community's commitment to demonstrate the Golden Rule, "Do unto others as you would have them do unto you." He stated that he felt that Huntsville represented this in many ways.

Mr. Anderson stated that they had been talking about becoming a part of this initiative, noting that there were currently 129 cities around the world that were part of this process but that only 19 of these had been certified as Compassionate Cities, and that there were none in Alabama. He stated that with this resolution, they were on track to become the first city in Alabama to be recognized as part of this campaign, as a compassionate city.

Mayor Battle presented a copy of the resolution declaring October as Compassionate Action Month to a member of the group Mr. Anderson had recognized, expressing appreciation for all they did for the city and the community.

Mr. Anderson thanked the Mayor and the Council for their support in this.

Mayor Battle stated that he had noticed that there was someone from Intuitive Research in the audience, noting that this company had been recognized in the past week by Fortune Magazine as the No. 2 place to work in America. He stated that it was a great honor to have this company in the community.

Councilman Kling read and introduced a resolution recognizing Mr. Evans Quinlivan for his numerous years of

volunteerism and dedicated service to the redevelopment and betterment of downtown Huntsville, as follows:

(RESOLUTION NO. 13-693)

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

Councilman Kling stated that it was his pleasure to serve with President Russell, Mayor Battle, and Mr. Quinlivan on the Big Spring Partners Board, stating that they were a dynamic group of people to work with and had done some wonderful things for the downtown area, where there was a lot of momentum taking place.

Councilman Kling stated that he felt that Mr. Quinlivan should be recognized for the great work he had done in the city, noting that he felt the city was very fortunate to have a person such as Mr. Quinlivan offering to serve.

Councilman Kling read from the resolution, noting Mr. Quinlivan's outstanding career and his many civic contributions to the city.

Councilman Kling, President Russell, and Mayor Battle presented a copy of the resolution to Mr. Quinlivan, with Councilman Kling expressing appreciation for his many years of outstanding service to the Big Spring Partners Board and the development and redevelopment of downtown Huntsville. He stated that this was a small way in which they could thank Mr. Quinlivan for all his community service.

President Russell stated that he certainly appreciated everything Mr. Quinlivan and his family had done for the city.

Mayor Battle stated that Mr. Quinlivan had served on boards in the city where there had been some tough times and he had been able to get all these boards through their tough times and that every one of these was an asset to the city at this time.

Mr. Quinlivan expressed appreciation for the recognition.

President Russell read and introduced a resolution welcoming the Birmingham Heritage Band to the Alabama A&M University Homecoming Celebration, with a special performance to be held on October 5, 2013, at the Cooper House, at 7 p.m., as follows:

(RESOLUTION NO. 13-694)

President Russell 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 read and introduced a resolution congratulating the University of Alabama in Huntsville Women's Leadership Council, Civic/Community Award honoree, presented during the Second Annual Scholarship Gala, held on September 26, 2013, in the Boone-Lacy Fellowship Hall, Union Chapel Missionary Baptist Church, as follows:

(RESOLUTION NO. 13-695)

President Russell 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 read and introduced a resolution congratulating Bonham Technologies, Incorporated, Corporate STEM Award honoree, presented during the Second Annual Scholarship Gala, held on September 26, 2013, in the Boone-Lacy Fellowship Hall, Union Chapel Missionary Baptist Church, as follows:

(RESOLUTION NO. 13-696)

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

President Russell read and introduced a resolution congratulating Dr. Richard Showers, Sr., Lifetime Achievement Award honoree, presented during the Second Annual Scholarship Gala, held on September 26, 2013, in the Boone-Lacy Fellowship Hall, Union Chapel Missionary Baptist Church, as follows:

(RESOLUTION NO. 13-697)

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

President Russell read and introduced a resolution congratulating Carolyn R. Battle, Lifetime Achievement Award honoree, presented during the Second Annual Scholarship Gala, held on September 26, 2013, in the Boone-Lacy Fellowship Hall, Union Chapel Missionary Baptist Church, as follows:

(RESOLUTION NO. 13-698)

President Russell 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 read and introduced a resolution congratulating Dr. Vernessa McKenzie Edwards, Inspiring Young Minds to Succeed Award honoree, presented during the Second Annual Scholarship Gala, held on September 26, 2013, in the Boone-Lacy Fellowship Hall, Union Chapel Missionary Baptist Church, as follows:

(RESOLUTION NO. 13-699)

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

Councilman Culver stated that it would be an honor and privilege for him to present these resolutions later in the evening on behalf of Councilman Showers. He stated that Councilman Showers was at this event at this time and that he was the recipient of one of the awards. He stated that if the Council was not finished, he would be leaving the Council meeting early in order to make these presentations.

President Russell stated that item No. 15.ii on the agenda had been deleted.

President Russell stated that Councilman Kling had informed him that he would like to add items to the agenda.

Councilman Kling stated that he had two items he would like to bring up, one being a resolution concerning some

outside attorney work by Mr. James G. "Bo" Harrison and the other being a resolution concerning using VRPA Technologies to conduct a traffic study in connection with the proposed location of a Walmart in the Drake Avenue/L&N Drive area.

President Russell asked Councilman Kling if it was his intent to have the Council vote on these items or if he would just be introducing them.

Councilman Kling stated that they would be for consideration by the Council.

Councilman Kling moved to place on the agenda a resolution expressing the intent of the City of Huntsville to enter into a contract with VRPA Technologies to conduct a traffic study in connection with the proposed location of a Walmart on L&N Drive in the City of Huntsville.

Said motion was duly seconded by President Russell.

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

Councilman Kling moved to add to the agenda a resolution authorizing the City Council to engage the services of James G. Harrison, Esquire, in connection with issues related to the citing, permitting, or location of the proposed Walmart Super Center on L&N Drive.

Said motion was duly seconded by President Russell.

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

President Russell stated that these items would be added

to the agenda.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-583, zoning newly annexed property lying east of U.S. Highway 431 South and on the south side of Old Highway 431 as Residence 1-A District, which hearing was set at the August 8, 2013, Regular Council Meeting.

President Russell asked Ms. Lisa Leddo of the Planning Division for an explanation of the above ordinance.

Ms. Leddo stated that this was 6.76 acres of newly annexed property, indicating the area on a displayed map and noting that it was located on the south side of Old Highway 431. She stated that this was currently vacant land and was a proposed church site. She stated that the recommended zoning was Residence 1-A District, which she noted was consistent with the other zoning in the area. She stated that the Planning Commission had recommended approval.

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. 13-583, zoning newly annexed property lying east of U.S. Highway 431 South and on the south side of Old Highway 431 as Residence 1-A District, which ordinance was introduced at the August 8, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-583)

Said motion was duly seconded by Councilman Kling.

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 a resolution authorizing the City Clerk-Treasurer to assess the cost of boarding and securing against certain properties.

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

Mr. Benion stated that the six properties identified in the resolution had been declared unsafe by Community Development and that the owners had been given 30 days, in accordance with the unsafe building ordinance, to obtain permits and commence work on correcting the noted violations. He stated that since the owners had failed to respond to the notices and since the properties were standing open and accessible, Community Development staff had boarded and secured the properties.

Mr. Benion stated that Attachment A to the paperwork identified the owners and the date his department had taken

action and the cost of boarding and securing the properties. He stated that the total cost was \$1,764.08, with an average cost of \$294.02. He stated that the owners had received written request for payment and had failed to respond, and he was requesting that assessments be placed on these properties to collect these costs. He stated that the owners had been notified of this proposed action.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of boarding and securing against certain properties, as follows:

(RESOLUTION NO. 13-700)

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

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

President Russell recognized Mr. Benion.

Mr. Benion stated that the resolution identified

35 properties that were in violation of the City's grass and weed ordinance. He stated that these properties were identified on Attachment A to the paperwork by the owner and location. He stated that the owners had received written notification, by regular mail, that they were in violation of the ordinance and had been given 14 days to correct the violation. He stated that all 35 owners had failed to respond and that Community Development had issued work orders to cut these properties, at a total cost of \$7,652.22, and an average cost of \$218.64. He stated that Attachment A also identified the date and cost of cutting these properties. He stated that the owners had received a written request, by regular mail, for payment and had failed to respond. He requested that property assessments be placed on these properties in order to collect these costs.

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

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

There was no response.

President Russell stated that the public hearing was closed.

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. 13-701)

President Russell 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 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 on any issues they so desired.

Mr. Rusty Loiselle, 12004 Hearthstone Circle, appeared before the Council, stating that he was with Help Our Homeless Veterans and Citizens. He stated that he was present to address the closing of Tent City, noting that persons had most likely heard that Tent City off Derrick Street was being closed down, thanks to the efforts of one disgruntled homeless man. He stated that this person had contacted the DOT, which had jurisdiction over this area, and that without listening to any good solutions to the alleged problems, they had just told everyone to leave.

Mr. Loiselle stated that the supposed problem was homeless persons urinating on the ground, just as hunters did when they went hunting and campers did when they went camping. He stated that what the person who had reported this had failed to say was that he was doing the same thing across the street where he lived in the woods.

Mr. Loiselle stated that this was a failure on the part of

First Stop, noting that they had an obligation to supply the homeless in that area with porta-potties but had not done so. He asked the Council to look into the City budget and find \$195 per month to help the homeless citizens, to supply them with a safe place to stay and proper facilities such as porta-potties.

Mr. Loiselle asked the Council persons to imagine themselves homeless, to imagine everything taken away from them, having lost their jobs to the economy or to illness, and having lost their home, their vehicle, and their bank account, and their family being gone. He asked how the Council members would react to this, what their mindset would be, what they would want someone to do to help their family. He asked if they would be angry if someone were to deliberately do something to make their situation worse. He asked what they would do to survive.

Mr. Loiselle stated that every time someone uprooted these unfortunate people, they had to walk away from the few small possessions they had, a tent, food supplies, clothing, et cetera, that they had to start over every time.

Mr. Loiselle stated that he was asking the Council to help these persons, that he was asking that they use their position, their influence, their know-how, to reason with the DOT and allow the homeless veterans and citizens to live under the bridge at Tent City, or at a comparable location, while they were attempting to get on their feet. He stated that the homeless veterans had stood for all citizens in the country's

defense and they should be offered something more than 20 square feet to put up a tent, noting that one homeless veteran was one too many.

President Russell thanked Mr. Loisel for his remarks, noting that the Council and the Administration were aware of this issue and there had been a lot of work done on it and they would continue to work on it.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that as a veteran of the United States Army, he wished to respectfully honor the seven U.S. Army soldiers who had been killed in the war in Afghanistan since the Council meeting two weeks prior. He stated that at this time the politicians in Washington, including those from Alabama, were filibustering, doing nothing, that the government might shut down in a few days, and the country was in a war.

Mr. Cox stated that he would like to comment about the City's plan to buy land abutting McDonnell School, which he noted was approximately four blocks from his home. He stated that his community had a greater need for A-1 residences than for sports fields. He stated that he believed it was unprecedented for the City to purchase residentially zoned property for sports and recreational facilities and that he certainly hoped the City was not bailing out a developer. He stated that they were taking acres of tax dollars off the books. He stated that he wondered if the City would have to rezone this property from Residential when it was purchased.

Mr. Cox stated that at a public hearing concerning this approximately five or six years prior, the councilman for this area had been elated about the proposed development and had noted that it would be a real "shot in the arm" for the area. He stated that following this meeting, a former councilwoman had said to him that the development would not happen because of the zoning of the property.

Mr. Cox stated that he had some data on this issue, noting that mathematicians loved data. He stated that there were 23 properties that abutted the property at issue on the west boundary, being Conger and Talwell. He stated that he had personally surveyed 12 residents of said properties, noting that he could not speak with three of the residents because he only spoke English. He stated that only one person had known of the City's proposal to buy this land, noting that that would be 8 percent of the residents, and that this person was not okay with the proposed usage. He stated that 16 percent were okay with the proposed usage, 58 percent were not okay with the proposed usage, and 25 percent were unsure.

Mr. Cox stated that the residents in this area had permitted negative changes to this area.

President Russell advised Mr. Cox that his time was up and asked if he needed another minute.

Mr. Cox stated that he certainly could not complete his remarks in one minute. He stated that he would like to apologize for speaking so fast but noted that when a citizen

was given only six minutes per month to participate in his government, he could not be an orator. He stated to Councilman Olshefski that he wished that when he was in the United States Army, defending the government, he would have had to have been a soldier only six minutes a month.

Councilman Kling stated that Mr. Cox had raised some issues that certainly had merit, but that he would like to point out that the Triana Village Neighborhood Association, of which Mr. Doss was president, had been very happy that this had worked out. He stated that originally, as Mr. Cox had pointed out, this property was going to be used for single-family residential property and that the neighborhood was happy with this because of congestion problems with apartment development in the area.

Councilman Kling stated that he believed they were in the process of getting this property at a below-market rate from the appraisal. He stated that this was not the first plan that had worked out, but that the neighborhood immediately adjacent to this property was happy with what this would mean for the area, and with having fewer apartment complexes in the area.

Mr. Alan Simonis, 3221 Riley Road, appeared before the Council, stating that he lived in the Piedmont Community and was a member of the Midtown Huntsville Association, which he was representing at this time.

Mr. Simonis stated that, as most persons were aware, Walmart was planning to build a new facility between the

Parkway and L&N Drive, just south of Drake Avenue. He stated that the residents of the Midtown area, composed of three different communities and a number of business owners, were opposed to Walmart building at this location.

Mr. Simonis stated that their reasons for this opposition were numerous and that among them were increased noise in the area, potentially increased crime, and increased traffic. He stated that they had held a neighborhood meeting on the prior Wednesday evening which had been attended by approximately 150 persons from this area. He continued that Mayor Battle, Councilman Kling, and approximately 10 City department heads had also been present.

Mr. Simonis stated that the citizens had expressed their concern at this meeting, and that after hearing these concerns, particularly about the traffic safety issue, Mayor Battle had agreed to have a second traffic study conducted. He stated that, as Councilman Kling had mentioned earlier in the meeting, he was planning on bringing a recommendation to the Council concerning this later in the meeting. He urged the Council members to approve this recommendation.

Mr. Simonis stated that they had recommended an out-of-state firm, VRPA Technologies. He stated that this firm had a great track record and a lot of experience doing peer group studies, engineering projects where previous studies had been done. He continued that they felt it was important to have someone with that type of experience. He stated that,

also, this firm had no ties to the state of Alabama. He stated that some other engineering firms had been considered but that all of these had ties to the State of Alabama. He stated that Skipper Engineering, which had done the original study, had done a number of studies for Walmart in the state. He continued that they felt it was the right thing to do to have an impartial study and for the neighborhood persons and business persons in the community to see it as being impartial.

Mr. Simonis stated that they were disappointed, as a community, that they had not found out about this project until approximately four months prior. He continued that the information they had was that a contract had been signed by Walmart with Bragg Development approximately 18 months prior. He stated that, therefore, they were kind of on the back end of this and that they felt like Walmart was in a hurry to get this project under way.

President Russell advised Mr. Simonis that his time was up and asked if he needed an additional minute.

Mr. Simonis replied in the affirmative.

Mr. Simonis stated that Walmart had had some of their developers in the city on the prior day, giving an update on what the project was going to look like, and that they had provided a timetable, and that he believed they wanted to be open by October of the following year, so they were anxious to get started.

Mr. Simonis stated that the engineering firm they wanted

to have do the study was not currently licensed in the state of Alabama and it would take a couple of weeks for them to obtain a license.

Mr. Simonis urged the Council members to vote in favor of this particular firm and to allow them to come in and do the study, and then they could go from there.

Mr. Simonis thanked Mayor Battle and Councilman Kling for their assistance in this matter as they tried to move ahead and work this matter out.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she loved Huntsville and all its people. She asked everyone to pray for the many persons who were in need.

Ms. Reed stated that she would like to thank whoever was doing the white lines right in the city, noting that they had been brightened up and that she could see and others could see. She stated that they had changed the lines in the city and the lights were bright and expressed appreciation for this.

Ms. Reed stated that she was certainly sorry she had missed the Walmart meeting, that she had really wanted to attend it. She stated that she felt it was a little late to be attempting to do the right thing at this time, noting that she saw a lawsuit coming. She stated that she had begged the City to get involved in this and do a traffic study when she had been advised that Walmart had been meeting with Ms. Bostick. She stated that she had brought up at every Council meeting

about a traffic study and that she had even called Johnny Harris, noting that he had been waiting on the City to send paperwork to the State.

Ms. Reed asked the Council why, if they thought so much of Walmart, they had not let them locate in John Hunt Park, why they had not thought about that. She stated that they could have given them that property and could have gotten them off the main roads. She stated that she felt the proposed Walmart location was a bad site and that this was a bad issue but that she did not feel they were going to change it unless they got a lawsuit going on. She stated that people had already been told to move out of this area. She stated that this was bad, that it was bad for the city, and that the Council had to be aware of this. She stated that she blamed them for not attempting to do something about this previously.

Ms. Reed stated that she understood the Planning Department was going into the chicken business and that she did not want the Council to get sold on this chicken deal. She stated that persons were asking her if it was really true that the City was thinking about putting chickens in the city. She stated that persons were asking if that was all they had to do downtown, urban agriculture, the chicken business. She stated that she was raised in the country, with pigs, cows, sheep, horses, and chickens, and that she had begged and prayed to God to bring her to town, that she had wanted to get away from all that.

Ms. Reed stated that persons did not want chickens in the city. She stated that she would try to get persons to move to the county, that the County needed the tax base as much as the City did.

Mr. Chris Dayton, 1906 Wooddale Drive, appeared before the Council, stating that he had recently heard a speaker at Merrimack Hall who had written a book called "Love of the City," and that he had talked about how to do lovable cities. He stated that he had felt the speaker was perfectly on message except for one thing, that he had been really hard on roads. He stated that he appreciated what the City was doing in its fight for roads. He stated that there were negative things that persons could do but that he appreciated the City. He stated that he had previously lived in Atlanta and that all this made a difference to him. He stated that there were many ways to make things special in a city and that he believed the Council and the Administration were taking some great and positive moves. He stated that he saw what was happening at the Greene Street Market and that he knew many persons had fought long and hard to make that happen. He continued that he was glad to see the music on the streets and the food trucks in the area. He stated that the persons who were working for these things were very creative and that the City did not have to do a lot other than just let them happen.

Mr. Dayton stated that he had many friends who wanted to have chickens and that he believed there were reasonable ways

to do this. He stated that, however, he did not believe three chickens would be sufficient and that he felt this would be a hollow gesture if it were done wrong. He stated that he believed there were persons who would actually like to be sustainable and he felt there would be a way to do this and try to keep everyone happy, that he believed there could be a balance.

Mr. Dayton stated that it broke his heart that prisoners were treated better than homeless persons, noting that the prisoners were given food, beds, and toilets, and that these were people who had wronged society. He stated that when persons on the street were not given toilets, he felt this was something that should be considered: that they treated persons who had wronged them better than persons who had served them.

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

President Russell stated that Councilman Olshefski had informed him that he would recuse himself from this issue and abstain on all votes.

President Russell read and introduced a resolution authorizing approval to purchase outside services to conduct the annual external audit (PR#10127736) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-702)

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

President Russell asked Mr. Bill Yell of Huntsville Utilities for an explanation of the above resolution.

Mr. Yell stated that this was the annual audit that Huntsville Utilities was required by law to do for their financial reports. He stated that the company that would be doing this was Carr, Riggs & Ingram, which specialized in Utility financial audits.

President Russell asked Mr. Yell if it was correct that they had to change their audit company every year.

Mr. Yell replied in the affirmative.

President Russell asked when the last time had been that Carr, Riggs & Ingram had done this audit.

Mr. Yell stated that it was two years prior.

President Russell asked if, then, they would be in compliance with that rule.

Mr. Yell replied in the affirmative.

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

AYES: Culver, Kling, Russell

ABSTAIN: Olshefski

ABSENT: Showers

NAYS: None

President Russell stated that the resolution had carried.

President Russell read and introduced a resolution authorizing approval to purchase contract labor for pole inspections (PR#10128047) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-703)

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

President Russell asked Mr. Yell for an explanation of the above resolution.

Mr. Yell stated that Osmose was the company they used to provide this service. He stated that they were going through their entire system, having this company check every one of their wooden utility poles to determine whether they were viable to remain on the system or whether they needed to be treated or removed. He noted that treatment could extend the life up to 20 years. He stated that they were approximately halfway through the system, but they needed to cover the entire system.

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

AYES: Culver, Kling, Russell

ABSTAIN: Olshefski

ABSENT: Showers

NAYS: None

President Russell stated that the resolution had passed.

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

President Russell read and introduced a resolution to reappoint Joe Ritch to the Animal Services Advisory Committee, Place 3, for a term to expire September 8, 2016, as follows:

(RESOLUTION NO. 13-704)

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

President Russell read and introduced a resolution to reappoint Mary Gustine to the Animal Services Advisory Committee, Place 4, for a term to expire September 8, 2016, as follows:

(RESOLUTION NO. 13-705)

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

President Russell read and introduced a resolution to reappoint Rob Archer to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-706)

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

President Russell read and introduced a resolution to reappoint Lenore Dunn to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-707)

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

President Russell read and introduced a resolution to reappoint Betty Gaylor to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-708)

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

President Russell read and introduced a resolution to reappoint Denise Gore to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-709)

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

President Russell read and introduced a resolution to reappoint Margaret Heeschen to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-710)

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

President Russell read and introduced a resolution to reappoint Tammy Leeth to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-711)

President Russell 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 read and introduced a resolution to reappoint Joy Parker to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-712)

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

President Russell read and introduced a resolution to appoint Tony Smith to the Burritt Memorial Committee, for a term to expire October 1, 2015, as follows:

(RESOLUTION NO. 13-713)

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

President Russell read and introduced a resolution to appoint Jon Sharpe to the Burritt Memorial Committee, for a term to expire October 1, 2015, as follows:

(RESOLUTION NO. 13-714)

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

President Russell read and introduced a resolution to appoint Lea Ellison to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-715)

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

President Russell read and introduced a resolution to appoint Andrew Shambarger to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-716)

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

President Russell read and introduced a resolution to appoint Dawn Stanley to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-717)

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

President Russell read and introduced a resolution to reappoint Amy Harbarger to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-718)

President Russell moved for approval of the foregoing

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

President Russell read and introduced a resolution to reappoint Belinda Melson-Kennedy to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-719)

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

President Russell read and introduced a resolution to reappoint Sheree Vaughan Kelley to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-720)

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

President Russell read and introduced a resolution to reappoint Linda Spalla to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-721)

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

President Russell read and introduced a resolution to reappoint Nancy E. Archuleta to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-722)

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

President Russell read and introduced a resolution to reappoint Kimberly A. Ford to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-723)

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

President Russell read and introduced a resolution to reappoint Sarah Wilkinson Hereford to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-724)

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

President Russell read and introduced a resolution to reappoint Richard L. Morris to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-724A)

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

President Russell read and introduced a resolution to

reappoint Steve Stricklin to the Board of Examinations and Appeals for Construction Industries, for a term to expire September 21, 2016, as follows:

(RESOLUTION NO. 13-725)

President Russell 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 read and introduced a resolution to reappoint Mark Seely to the Board of Examinations and Appeals for Construction Industries, for a term to expire September 21, 2016, as follows:

(RESOLUTION NO. 13-726)

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

President Russell read and introduced a resolution to reappoint Edward T. Jones to the Board of Examinations and Appeals for Construction Industries, for a term to expire September 21, 2016, as follows:

(RESOLUTION NO. 13-727)

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

President Russell read and introduced a resolution to reappoint Keith J. Mandel to the Board of Examinations and

Appeals for Construction Industries, for a term to expire September 21, 2016, as follows:

(RESOLUTION NO. 13-728)

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

President Russell read and introduced a resolution to reappoint Kenneth W. Chandler to the Board of Examinations and Appeals for Construction Industries, for a term to expire September 21, 2016, as follows:

(RESOLUTION NO. 13-729)

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

Councilman Kling nominated Bob Baudendistel for appointment to the Beautification Board, for a term to expire October 1, 2014.

Councilman Olshefski nominated Lyle Voyles for appointment to the Housing Board of Adjustments and Appeals, for a term to expire August 22, 2014.

Councilman Kling nominated Elbert Peters for reappointment to the City Tree Commission, for a term to expire October 8, 2015.

Councilman Kling nominated Burt Webster for reappointment to the City Tree Commission, for a term to expire October 8, 2015.

President Russell asked if there were any further nominations.

There was no response.

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

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

(RESOLUTION NO. 13-730)

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

Councilman Kling recognized Mr. Randy Taylor, Finance Director, for the Finance Committee Report.

Mr. Taylor stated that he wanted to provide the Council a brief update on what was going on with respect to the debt issuance plans. He stated that the Council was aware that the Capital Improvement Plan had a small amount of money, relatively speaking, to fund the projects for the upcoming fiscal year. He stated that there was \$27 million worth of debt they had not issued a couple of years prior in order to save debt service. He stated that these projects were now coming up, that they were in the Capital Plan that the Council had previously adopted.

Mr. Taylor stated that Huntsville City Schools had a very active Capital Plan, that they had been very public about this, with all the projects that were on their current horizon. He continued that the City would be borrowing money, to the extent the School Board needed it, for those projects. He stated that they currently believed they knew the figure for them but were still waiting for final confirmation from the Superintendent's office and from the Board.

Mr. Taylor stated that they had begun to work on the process for getting a debt issue ready, noting that rates were still in a favorable position for them to do this. He stated that they had started this for the next fiscal year and they expected to have rating agency discussions in the first full week of October, on October 8 and 9. He stated that Standard & Poor's had actually wanted the opportunity to come to Huntsville, as many of their persons wanted to come and tour the community and see it firsthand. He stated that they would come to the city and the City would host them briefly for this presentation. He stated that then they would begin the process of soliciting the rating and moving toward the debt issue.

Mr. Taylor stated that it would most likely be in early November that they would be asking for Council approval to start making formal decisions about this, but that he had just wanted to provide the Council an update on this at this time.

Mr. Taylor stated that they were planning on this being a negotiated sale, using their team of underwriters they had used

in the past. He stated that they did not yet have the details of this worked out, but noted that it would be a large enough issue and the market was such that he and the Mayor agreed, and he felt the Council would agree, that a negotiated sale was the route for them to go. He stated that the Council might recall that the last one they had done had been competitive, noting that that was the first one they had handled in that manner, and noting that this had been very small and the market was very favorable toward it. He reiterated that he believed they did need the underwriters to help with the upcoming issue.

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

Mayor Battle stated that he would like to announce the following appointment: Ralph Stone to the Iceplex Board of Control, Seat 9, for a term to expire November 7, 2016.

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

Councilman Culver stated that he would like to introduce a couple of persons, one being Mr. Elliott Hinton, whom he was mentoring, and also another person he was mentoring, Ms. Sheryl Dublin, whom the Council would be hearing from later in the meeting.

Councilman Culver stated that he had sent the Mayor and the Council members an electronic copy of an ordinance he would like to introduce at this meeting, stating that it was the Providence Entertainment District Ordinance. He stated that

this ordinance to some degree mirrored the Downtown Entertainment District. He stated that, however, it would include Wednesday from 4 p.m. until 11 p.m.; with the same times on Thursday and Friday, 4 p.m. to 11 p.m.; that on Saturday the hours of operation would be from 11 a.m. until 11 p.m.; and then on Sunday from 11 a.m. until 11 p.m. He stated that they were asking the City to sponsor this, as they had done with the two ordinances in the downtown area. He stated that the difference with Providence, in his opinion, would be that they would most likely not need nearly as many law enforcement personnel, if any at all. He stated that they would work out some of these details between this time and the time this ordinance would be voted on at the first Council meeting in October. He stated that they would also have some hard copies of this ordinance available.

Councilman Culver asked Judge Rodenhauser to go to the microphone.

Councilman Culver stated to Judge Rodenhauser that he had made a colossal mistake relating to a potential diversion ordinance, noting that he had checked with the Ethics Commission on this. He continued that what he was about to say had been totally unknown to him at the times he had had meetings with Judge Rodenhauser concerning this ordinance, as well as having sent e-mails to his colleagues and Legal and the Administration. He stated that he had now learned that a company called Recovery Services might be doing some work if

this ordinance were to be passed and stated that he worked for this company as a consultant, and for that reason, from this day forward, he was recusing himself from any involvement at all with this ordinance. He stated that if at any time Judge Rodenhauser wanted to go back and revisit this matter with the Council, to please feel free to do so. He stated that anything he had said or communicated, orally, written, or electronically, about that ordinance, he was at this time rescinding.

Judge Rodenhauser stated that he respected that and that he understood the situation. He continued that he would be getting with the other Council members and see if they could proceed with the ordinance. He thanked Councilman Culver for his candor.

Councilman Culver stated that he would like to recognize his good friend, Mr. James Steele. He stated that Mr. Steele had attended Council meetings over many years and that he was happy he was present at this time.

Councilman Culver stated that he would like to yield his remaining time to Ms. Sheryl Dublin.

Ms. Sheryl Dublin appeared before the Council, stating that it was great to be back with the Council, noting that she had recently spent nine months in Argentina. She stated that she was a Spanish minor at Oakwood University and had gone to Argentina and completed her minor and was now fluent in Spanish and that it had been an incredible experience. She stated that

she would encourage all persons to travel and spend time in other cultures, to open their minds and get to know the lives of other people.

Ms. Dublin thanked the political leaders of the city for giving her all the opportunities they had given her and the opportunities they were continuing to give her. She stated that she had lived in many different cities in the United States and she could say with sincerity that Huntsville was one of the best cities ever and she was proud to have the leadership of the City. She stated that entering Huntsville as a compassionate city was a big example of this. She questioned where the word "compassion" usually even came up in politics and stated that it was great to see this and to see the cooperation and the kindness that came from the leadership. She stated that she had never asked or never really wondered what each leader's particular political party was and had never even cared, noting that they came together and had one goal in mind, being to progress the city, improve the city, and allow everyone in it to feel appreciated and loved.

Ms. Dublin stated that she taught Spanish at this time, as well as teaching English, and that it was nice to work with many of the citizens in the Huntsville area, helping them to learn Spanish, to be able to integrate it into their careers, and help them with career competition. She stated that she wanted to let the Hispanic community know that she also offered English classes. She continued that she really wanted to work

with low-income persons.

Ms. Dublin stated that she looked forward to working and partnering with Huntsville City to start something very big and very new and that she would be talking to them about that.

Councilman Culver stated that he had also attended the Love Cities event that Mr. Dayton had attended and that he had gotten a lot of good information from it. He stated that he thought the idea of having a fun city was just incredible.

Councilman Kling stated that one of the City's very fine retired fire fighters, Leroy Collette, had passed away. He stated further that David Robinson had also recently passed away. He stated that the City had been very fortunate to have these type persons who had provided such an important public service. He stated that persons never noticed fire fighters until they were really needed.

Councilman Kling stated that there had been a neighborhood meeting at the library the prior Wednesday evening and that Mayor Battle had been in attendance, along with several department heads of the City. He stated that there had been a lot of information brought out and that it had been a very lively discussion. He stated that Mayor Battle, because of questions and concerns from the neighborhood, had agreed to have conducted a second traffic study. He stated that he felt this was a very strong pro-neighborhood gesture.

Councilman Culver stated that he would like to go back to item 2.a on the agenda, Resolution No. 13-694, welcoming the

Birmingham Heritage Band to the Alabama A&M University Homecoming Celebration, with a special performance to be held on October 5, 2013, at the Cooper House at 7 p.m.

Councilman Culver stated that he had been asked to discuss a matter with the Council concerning this and that he had spoken to Councilman Kling, Councilman Olshefski, and Councilman Showers about this matter. He stated that this concerned \$2500 for this band, noting that homecoming was a very special event. He stated to Mayor Battle that he was aware that the budget was tight, and that if they could find \$2500, that would be great, but if not some of the Council members were proposing to utilize some of their travel expense funds for this.

Councilman Culver stated that he wanted to make a motion concerning this.

President Russell stated that he had not agreed to anything concerning any travel money, so he hoped this did not include him.

Councilman Culver stated that, actually, President Russell had not been included, that he did not believe Mr. Hayden, who was present at this time, had had the opportunity to speak with President Russell and that he had not wanted to make an assumption on that.

President Russell stated that it would be very difficult to do what Councilman Culver was proposing at this time, that the item had not been placed on the agenda at the beginning of

the meeting and it was not in writing, noting that this would be required in order to vote on the matter at this meeting.

Councilman Culver asked Mr. Joffrion to advise the Council on this matter.

Mr. Joffrion stated that any adjustment to the budget had to be by ordinance, in writing. He stated that perhaps he could draft one quickly if that was the will of the Council.

President Russell stated that he had not gotten it on the agenda at the beginning of the meeting and that that would be another by-law they would have to go around. He stated that if it did not have to be done at this time, his advice to Councilman Culver would be to work it out with Mr. Joffrion. He stated that if it had to be done at this time, it would be up to the other Council members.

Councilman Culver stated that that was all right.

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

President Russell moved for approval of Ordinance No. 13-654, amending Ordinance No. 10-739, for Downtown Business Incentive program, extending the original ordinance for discount parking rates for new businesses for two (2) years, which ordinance was introduced at the September 12, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-654)

Said motion was duly seconded by Councilman Olshefski.

President Russell asked Mr. Tommy Brown, Director of

Parking and Public Transit, to come to the microphone.

President Russell asked Mr. Brown for an explanation of the above ordinance.

Mr. Brown stated that this was an extension of a current discount they were providing for new companies that moved into the downtown area, that it was basically half-price parking for one, two, or three years, based upon the number of employees a business brought in. He stated that they had used this to help several companies that had come into the downtown area and it had worked well and they would like to extend it.

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

Councilman Kling moved for approval of Ordinance No. 13-655, amending Chapter 2, Division 15, of the Code of Ordinances of the City of Huntsville, altering the method of appointment to the Huntsville-Madison County Emergency Management Board, which ordinance was introduced at the September 12, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-655)

Said motion was duly seconded by Councilman Culver.

President Russell asked Mr. Rusty Russell, Director of Emergency Management, for an explanation of the above ordinance.

Mr. Russell stated that in 2002 the City of Madison had started contributing a per capita share to the Emergency

Management Program and that in exchange they had requested a change in a position on the Huntsville-Madison County Emergency Management Board. He continued that there were five Board members, two Huntsville, two County, and one joint position, and that they had asked that this joint position be changed to a City of Madison position. He stated that the City of Madison had faithfully paid their fair share for several years, that there had been a lot of work between the three governments, and that hopefully the Council would let this come to fruition at this time.

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

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

Councilman Culver read and introduced Ordinance No. 13-731, amending Chapter 3, Article II, of the Code of Ordinances, by adding Section 3-28, Providence Entertainment District.

Councilman Kling read and introduced a resolution expressing the intent of the City of Huntsville to enter into a contract with VRPA Technologies to conduct a traffic study in connection with the proposed location of a Walmart on L&N Drive in the City of Huntsville, as follows:

(RESOLUTION NO. 13-732)

Councilman Kling moved for approval of the foregoing

resolution, which motion was duly seconded by President Russell.

President Russell asked if it was correct that this was just to show intent of the Council and there was not an actual contract.

Councilman Kling stated that this was just to show the intent and that the other details would be worked out.

Mr. Joffrion stated that the second resolve in the resolution made it clear that this was just an expression of intent and not an actual authorization for a contract.

Councilman Kling stated that this did show the intent, although they did not have the contract. He continued that he was aware that the company, VRPA Technologies, still had to get a couple of license issues resolved with the State of Alabama.

Mayor Battle asked if they could have Mr. Shane Davis, Director of Urban Development, address where they were with this process and what the result would be and the time frame, concerning the issuance of permits, et cetera.

Mr. Davis stated that there had been numerous meetings in the prior week concerning this matter, with one being held the previous day that he felt was particularly productive, with Walmart. He continued that Walmart had brought in their architect from Oklahoma, their landscape architect, their traffic engineer, and their civil engineer for the project. He stated that this had been about a three-hour meeting.

Mr. Davis stated that the problem the City had had with

the traffic study was that the residents of the area wanted to use a firm out of California to do this but that this firm was not licensed to perform professional engineering work in the state of Alabama. He stated that, therefore, they would have to wait until the firm registered with the Department of Revenue, so that taxes could be collected. He continued that, also, the company would have to get authorization from the Alabama Board of Licensure of Engineers, and then they would need an engineer of record to obtain an Alabama license. He stated that the company was working on this.

Mr. Davis stated that earlier in the day, the City had offered five companies that were currently licensed in Alabama, but the residents had chosen to stay with the California firm, so that they were working through this. He stated that most likely it would be a three- to four-week process before they would have a contract with this company.

Mr. Davis stated that the reason they had offered other firms to select from was because the Walmart permit was ready to pick up, that they had been through all the approval processes of the City and the Alabama Department of Transportation. He stated that Walmart had attempted to be a good community citizen and give them two weeks to obtain this study if they had someone at this time. He stated that Walmart was wanting a 2014 opening and that a three- to four-month wait would put them at a 2015 opening. He stated that they were a major corporation and had shareholders to report to, that they

were trying to work with the City, but they also had deadlines to meet.

Mayor Battle asked Mr. Davis to comment on the time frame and cost.

Mr. Davis stated that they believed the cost would be somewhere between 40 and 50 thousand dollars. He continued that with the process they were going through, he suspected that Walmart would have a permit before the study would be received.

Councilman Kling stated that he would like to clarify that while this company did not have a license in the state of Alabama, they were well renowned. He continued that Mr. Davis had checked this out. He stated that the company was going through the process. He continued that what they were trying to do was to do this the right way, noting that the company knew what it had to do and was working as quickly as possible to get through the permitting process. He stated that he had been advised that the time frame from the commencement of the study would be approximately two weeks. He stated that this would all be done the way it should be done, for the city and also for the neighborhood.

Mr. Davis stated that the firm the community wanted to hire was a reputable traffic engineering firm. He continued that this was a specialized type of engineering and that the companies were typically regional. He stated that the neighborhood had expressed concerns that the firms the City had

offered had ties to Alabama. He noted that any firm that had the authority to practice in Alabama, this would be part of their market area. He stated that the California firm had been very professional to them and that they looked forward to working with them, that it was just a timing issue. He stated that that firm's region of work was the state of California only.

Councilman Kling stated that the City was doing what they were supposed to do to see that they were moving as quickly as possible on this.

Mr. Davis stated that they were attempting to assist in expediting this as quickly as possible.

Councilman Kling stated that Walmart had stated that they wanted to be a good neighbor and that the City was going to move on this as quickly as possible so they could get the issue resolved. He stated that based on what had been said in the media, he felt that Walmart was showing that they were good neighbors and would work with the City on this.

Mr. Davis stated that he had been on the phone with VRPA Technologies earlier in the day, letting them know that they needed to process their information as quickly as possible, that the City was ready to enter into a contract. He stated that, however, the City could not enter into a contract with them until they were licensed as a foreign company in the state of Alabama, since they did not have an Alabama office. He stated that they had to have a license as an engineer before

the City could enter into a contract with them.

Councilman Kling stated that the resolution on the floor would basically give the City a go-ahead, that he realized there would be a contract, but that this would just let them know what the Council's intent was on this matter, so that they could make sure the City was moving as quickly as possible on this matter.

Mayor Battle stated that he did not want to lead the neighborhood on in this matter in any way, stating that the issue was that if Walmart came to the City for a permit and had gone through all the steps they had to go through, which he noted they had done at this point, then the permit would be issued before the traffic study would be received. He stated that the issue that was discussed at the meeting on Wednesday evening was to have a second traffic study to assure that they had a correct study with Skipper Engineering, to assure that there were not any mistakes before this process would be started. He reiterated that if Walmart came for a permit, they were allowed to get a permit, per the City's laws and regulations.

Mayor Battle asked Mr. Davis if this were correct.

Mr. Davis replied in the affirmative. He stated that the City did not have a preference as to who did the second traffic study, noting that they had said this all along. He stated that they had suggested names and that if there was another firm that had a license in Alabama, they would use them. He

stated that they were not trying to guide the neighborhood in a particular direction as to which firm would perform this study.

Mayor Battle stated that the reason they were attempting to do it within a two-week period was to get it within the period before a permit would be issued. He stated that once a permit was issued, the study would just come back and it would be to help the City adjust whatever roads they had to adjust, but that it could not be used in reference to the permitting of the Walmart property.

Mayor Battle asked Mr. Davis if this were correct.

Mr. Davis replied in the affirmative.

Councilman Kling stated that, based upon the comments by Walmart that they wanted to be a good neighbor in the community, he would hope they would continue to live with those statements. He stated that as far as VRPA was concerned, they were going to move as quickly as they could to get this issue resolved.

Mr. Davis stated that, as Walmart had said, they wanted to be a good neighbor, that they wanted to be in a neighborhood that accepted them. He continued that, however, as far as the time line, he was afraid that with the company they were going with, the time lines would not align. He stated that he had no concerns about VRPA or any other firm, that it was just the process they had to go through that concerned him.

President Russell called for the vote on Resolution No. 13-732, and it was unanimously adopted by the Council

members present.

Councilman Kling read and introduced a resolution authorizing the City Council to engage the services of James G. Harrison, Esquire, in connection with issues related to the siting, permitting, or location of the proposed Walmart Supercenter on L&N Drive, as follows:

(RESOLUTION NO. 13-733)

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

President Russell stated that his concern on this was to be assured they had a defined scope of work and knew what this would cost, that he did not want this to be open-ended.

Councilman Kling stated that there was a memorandum that had gone out with the concerns he had and the issues he wanted looked into, that it was basically about six questions to be answered.

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

President Russell read and introduced Ordinance No. 13-734, annexing land lying on the west side of U.S. Highway 431 South and north of Sutton Road.

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

President Russell reiterated that item 15.ii on the agenda

had been deleted.

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the agreement with New Futures, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 13-735)

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

President Russell moved for approval of a request to advertise and fill the position of Plans Examiner, Grade 16, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the U.S. Marshals Service to accept funding for vehicle retrofitting to be used by the officers assigned to the Regional Fugitive Task Force, as follows:

(Resolution No. 13-736)

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

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

(RESOLUTION NO. 13-737)

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Erika Goodloe, as follows:

(RESOLUTION NO. 13-738)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Worthington Bank Letter of Credit No. 2012-043 for Inspiration on Green Mountain Subdivision, as follows:

(RESOLUTION NO. 13-739)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Redstone Federal Credit Union Letter of Credit No. 719874-LC3 for Chase Creek West Phase II Subdivision, as follows:

(RESOLUTION NO. 13-740)

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

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Wells Fargo Bank Letter of Credit No. SW222380W for Carrington III Subdivision, as follows:

(RESOLUTION NO. 13-741)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke PNC Bank Letter of Credit No. 18799470 for Slaughter Road Subdivision, as follows:

(RESOLUTION NO. 13-742)

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

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

(RESOLUTION NO. 13-743)

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

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

(RESOLUTION NO. 13-744)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with ICA Engineering, Inc., to accept assignment of the Agreement between the City of Huntsville and Florence & Hutcheson, Inc., Resolution No. 12-1071, as of July 15, 2013, as follows:

(RESOLUTION NO. 13-745)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a Joint Funding Agreement with the U.S. Geological Survey for Water Resources Investigations, Project No. 65-13-DM26, as follows:

(RESOLUTION NO. 13-746)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the Memorandum of Understanding with the City of Huntsville, d/b/a Huntsville Utilities, for the installation of a substation at Redstone Gateway, Project No. 65-10-SP23, by Amendment No. 3,

as follows:

(RESOLUTION NO. 13-747)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for Removal of Traffic Control Signal and Maintenance of Existing Roadway Lighting at Madison Boulevard at County Line Road, Project No. IM-1565(307), and City of Huntsville Project No. 65-13-RD05, as follows:

(RESOLUTION NO. 13-748)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, Jordan Excavating, Inc., for Burgreen Road Sanitary Sewer Extension, Option No. 1, Project No. 65-11-SS05, as follows:

(RESOLUTION NO. 13-749)

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

President Russell read and introduced a resolution

authorizing the Mayor to amend the contract with Jordan Excavating, Inc., for Burgreen Road Sanitary Sewer Extension, Project No. 65-11-SS05, by Change Order No. 1, as follows:

(RESOLUTION NO. 13-750)

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

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

(RESOLUTION NO. 13-751)

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

President Russell read and introduced a resolution authorizing the Mayor to renew commercial crime insurance policy with Fidelity and Deposit Company of Maryland Colonial American Casualty and Surety Company, as follows:

(RESOLUTION NO. 13-752)

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

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

(RESOLUTION NO. 13-753)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Amendment No. 6 to the Managed Care Plan with Behavioral Systems, as approved by Resolution No. 06-999, and amended by Resolution Nos. 09-842 and 11-686, as follows:

(RESOLUTION NO. 13-754)

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

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

(RESOLUTION NO. 13-755)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a consulting agreement between the City of Huntsville and Carol English, as follows:

(RESOLUTION NO. 13-756)

President Russell moved for approval of the foregoing

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a consulting agreement between the City of Huntsville and Linda Hardee, as follows:

(RESOLUTION NO. 13-757)

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

President Russell read and introduced a resolution to enter into a contract to provide para-transit dispatching and scheduling services for the City of Madison, as follows:

(RESOLUTION NO. 13-758)

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

President Russell read and introduced a resolution to enter into a contract with UAH in order to operate a campus shuttle circulator, as follows:

(RESOLUTION NO. 13-759)

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

President Russell read and introduced a resolution to enter into a cooperative agreement with the Huntsville-Madison County Mental Health Center to provide public transit services,

as follows:

(RESOLUTION NO. 13-760)

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

President Russell read and introduced a resolution to enter into an Agreement between the City of Huntsville and the Center for Transportation Safety, as follows:

(RESOLUTION NO. 13-761)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 19 to Supplemental Development Agreement TIF5-Series 2010-B to the Annexation and Development Agreement between the City of Huntsville and LW Redstone, LLC, as follows:

(RESOLUTION NO. 13-762)

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 10 to the Supplemental Development Agreement TIF5-Series 2010-A to the Annexation and Development Agreement between the City of Huntsville and LW Redstone, LLC, as follows:

(RESOLUTION NO. 13-763)

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

President Russell read and introduced an ordinance to amend Ordinance No. 12-768 by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 13-764)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the City of Huntsville Federal Building Authority, as follows:

(RESOLUTION NO. 13-765)

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

President Russell asked Mr. Joffrion for an explanation of the above resolution.

Mr. Joffrion stated that if the Council would recall the project they had approved at the EUL location on Redstone Arsenal, part of this development agreement was a commitment on the part of the City of Huntsville to provide \$2.5 million for Redstone Arsenal for whatever needs they might have regarding

infrastructure or general officers' quarters, or whatever they might specify as being the need.

Mr. Joffrion stated that they were using the Federal Building Authority, which he noted the Council had helped establish some years prior, to assist in facilitating the construction of improvements on Redstone Arsenal. He stated that the City would transfer the \$2.5 million it had committed to the EUL Project to the Federal Building Authority, and then the Federal Building Authority would contract with two entities, one to construct general officers' housing on Redstone Arsenal and another to commence the construction of the Goss Road realignment. He stated that this was essentially what this contract entailed.

President Russell asked Mr. Shane Davis if he would like to comment on this matter.

Mr. Davis stated that the Council had approved this development agreement in March of 2010 and that it was now time to execute another portion of the development agreement, being to transfer the funds that were set up in the EUL to the Federal Building Authority to take care of the requests that Redstone Arsenal had for this funding.

Mayor Battle stated that Mr. Bob Ludwig, Chairman of the City of Huntsville Federal Building Authority, was present in the audience. He stated that he had been working on this matter for the prior two years.

Mr. Bob Ludwig, 1204 Deborah Drive, appeared before the

Council, stating that he was Chairman of the Federal Building Authority and had been since its inception. He stated that they had built, in two phases, ten houses that were needed for general officers' quarters, as part of the BRAC process, and that there was at this time a need for five additional houses, and that this would allow them to build two, with one being for the commanding four-star general. He stated that because of restrictions they had had, the one they had built previously was not large enough to take care of the social entertainment needs that were a part of that position. He stated that this money would allow them to do this construction, and that the second part was to start the base phase of the Goss Road Extension and realignment. He stated that these two things would take place in the next several months, that they would be able to issue a contract with CCI, which already built on the Arsenal, so that their security issues were taken care of, and then they would start the construction of the road, most likely with Reed Construction.

President Russell thanked Mr. Ludwig for his volunteer work on this Authority.

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

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

(ORDINANCE NO. 13-766)

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

President Russell asked Mr. Randy Taylor for an explanation of the above ordinance.

Mr. Taylor stated that this would be the last ordinance for the year and stated that there was a change in the Cemetery Department, to add \$48,000 for the purchase of motor equipment. He stated that the cemetery had an account from the sale of property and that the money would be coming from that source and not from the General Fund Regular Accounts.

Mr. Taylor stated, concerning year-end numbers, that he had advised the Council on several occasions that some personnel accounts were running over and some were running under, noting that this changed almost every pay period because of things that were hard to predict, such as leave payouts, overtime, et cetera. He stated that this was also happening with Operating Expenses, with respect to utilities, fuel, some of their larger expenses. He stated that this ordinance was asking that the Council authorize them to transfer the overages, where there was money, to cover the shortages. He stated that they did not know exactly where these were because they were running close to the limit on some of the accounts. He stated that they would not know this until the year was closed. He stated that at that time, he would, of course, give the Council a report on this.

Mr. Taylor stated that another item was to transfer \$1 million from one of the TIF accounts back to the Capital Improvement Fund.

President Russell asked if there were any further questions for Mr. Taylor.

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 read and introduced a resolution authorizing the Mayor to amend the contract with Miller & Miller, Inc., for Holmes Avenue and Washington Street Streetscape Improvements, Project No. 65-12-SP31, by Change Order No. 1, as follows:

(RESOLUTION NO. 13-767)

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

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

Ms. Miller stated that this was Change Order No. 1 for Miller & Miller, Inc., on the Washington Streetscape Project. She stated that they had encountered some conflicts during construction, such as having to install ventilation grates at parking decks that were still under design and also having to install detection loops at parking decks. She continued that they had encountered two elevator shafts which were unknown

during design that they had to seal and backfill, as well as an AT&T duct bank they had had to work around with some drainage conflicts. She stated that total Change Order amount was \$26,564.52.

President Russell asked how they had found the elevator shaft, if they had just dug up the sidewalk and there was a big hole there.

Ms. Miller replied in the affirmative. She stated that actually the coal chutes and the elevator shafts were sealed with the sidewalk and there was sheetrock on the interior wall, so that they had to block it up, waterproof it, and backfill it with concrete.

President Russell stated that from his memory in reading this resolution, there was an approximate \$5,000 error that had been caught. He asked if that was included in this resolution.

Ms. Miller stated that it was negotiated since they only had one bidder.

President Russell inquired as to what had happened with this, if someone had caught it on the City's part or if the vendor had caught it, or how it had happened.

Ms. Miller stated that the deduct was just part of the negotiations, in addition to the time constraints. She stated that since they had had only one bidder, they had been allowed to negotiate the project scope back into the budget.

President Russell asked if it was correct that the City had gotten approximately \$5,000 back.

Ms. Miller replied in the affirmative.

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

President Russell read and introduced an ordinance declaring two (2) Giant Leaf Vac Machine Trailers surplus and authorizing the sale thereof to the City of Athens, Alabama, for Five Thousand Dollars (\$5,000.00) each, totaling the sum of Ten Thousand Dollars (\$10,000.00), as follows:

(ORDINANCE NO. 13-768)

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

President Russell asked Mr. Terry Hatfield, Director of Public Works, for an explanation of the above ordinance.

Mr. Hatfield stated that these were two of their left-over trailers which they had been trying to sell and had not been able to do so at a good price, and that Athens had agreed to purchase them for \$5,000 each, which he noted was a good price for them. He stated that this was a total of \$10,000 and that these trailers were not being used, and they had no intention of using them in the future.

President Russell asked if there were any further questions of Mr. Hatfield.

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 read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and CapitalEdge Strategies, as follows:

(RESOLUTION NO. 13-769)

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

President Russell asked Ms. Michelle Jordan, Director of Economic Development, for an explanation of the above resolution.

Ms. Jordan stated that this was a consulting group out of Washington, D.C., that they had used for many years. She stated that they had helped them with national legislation, municipal grant applications and opportunities, that they had helped them on important national issues that could impact Huntsville. She stated that the contract amount had not changed over the past three years and that they were recommending approval.

President Russell inquired as to the contract amount.

Ms. Jordan stated that it was \$68,200.

President Russell stated that he had held this item for Mr. Burnet's benefit because he had asked about this at one time in a meeting and that he was not present at this meeting.

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and SeeClickFix, as follows:

(RESOLUTION NO. 13-770)

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

President Russell stated that he had held this item because it appeared to be one of the coolest things they had done in a long time and it was in the amount of only \$13,000. He asked who might be technically savvy enough to explain this resolution.

Mayor Battle stated that he was not technically savvy enough, but that he felt he could explain it. He stated that SeeClickFix was one of the new tools of transparency that they would be using in the City of Huntsville, and that it would tie in with the 311 system. He stated that it was \$13,000 per year, that this was an annual fee. He stated that the company had been going to charge \$4,000 for training, but the Director of Communications had talked them out of that, so they were now at \$13,000 a year.

Mayor Battle stated that, basically, if one were driving down a street and saw a pothole that needed to be fixed, one could take a picture of it, send it in from an iPhone, and it would go directly to the department that would be repairing the pothole, that it would show them on a map the location of the

pothole, and they would be able to go and repair it. He continued that this would apply to about any function the City had, that if one saw a street light that was out and wanted Huntsville Utilities to fix it, one could take a picture of it and send it in from that site, and it would show where the light was, and it would also have a picture of it that would go back to the City offices, which they would send over to Huntsville Utilities, and they would then put in the street light.

Mayor Battle stated that this was just a quicker way to perform services. He stated that when they covered 205 miles of property, they needed every tool available in the technology world to be able to keep up with the maintenance and upkeep of the properties. He stated that he believed this was one of the best tools they could use, and it was a tool they would ask citizens to use.

President Russell stated that he believed this was a great idea.

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

There was no response.

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

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

President Russell read and introduced an ordinance authorizing the vacation of two Utility and Drainage Easements, 5000 and 4090 Pulaski Pike, for North High School, as follows:

(ORDINANCE NO. 13-771)

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

President Russell read and introduced an ordinance authorizing the vacation of Utility and Drainage Easements, in re property at Bailey Cove Office Plaza (Four Mile Post Road), and Jones Valley Phase 2 (Cecil Ashburn Drive), as follows:

(ORDINANCE NO. 13-772)

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

President Russell read and introduced an ordinance authorizing the vacation of easements in re 2500 Hicks Avenue, as follows:

(ORDINANCE NO. 13-773)

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

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

Ms. Jackie Reed again appeared before the Council, stating that she did not know if the new City Administrator had ever

been introduced to the Council. She stated that he was taking the place of Rex Reynolds and had big shoes to fill. She stated that she had met him earlier in the evening and had told him that she would not weigh him down too much.

Ms. Reed stated that there was an Embassy Suites deal going on with the Walmart Store and asked if the Council recalled what had happened with that. She stated that some of the Council members had been serving at that time, but most of them had not. She stated that the City had given them \$1 million, and they had built it anyway.

Ms. Reed stated that she had expressed concerns about the Walmart store previously and had been told that the land was okay and everything was fine, that the Council did not have to change the zoning or the restrictions, that everything was A-okay. She stated that she had begged them to do a traffic study at that time, but they had not done it. She stated the way she understood it at this time was that the City was going to pay 40 to 50 thousand dollars for a traffic study at this location when some of the businesses at this location had already relocated. She asked if the Council members could not see what was going to happen in this situation. She stated that they had waited way too long before they decided to do anything about it, and now they were proposing this study. She stated that she did not know how to comment on this. She reiterated that it was too late and that she foresaw a lawsuit by the businesses being moved by Walmart. She stated that she

had contacted Johnny Harris about this matter, and he had told her that they were waiting on paperwork from Huntsville.

Ms. Reed stated that they should just buy Walmart out and stop this. She stated that if they had enough money to pay \$50,000 for this study, they should see what Walmart would take to stop this deal at this time. She stated that the City should provide Walmart some other property somewhere for this construction. She stated that the public was not going to be happy with the location of the Walmart and there would be some lawsuits.

Ms. Reed stated that they could not turn Walmart's permit down, as Mayor Battle had stated. She continued that they should make them a big deal and an offer. She stated that they should go back to the Planning Department and get some common sense and see if they could work this matter out.

Mr. Jerry Cox again appeared before the Council, stating that the distinguished councilman from District 4 had made some comments following his public comments, and that he had to take issue with some of what he had to say. He stated that he believed he had challenged the data that he had presented to the Council. He stated to President Russell that he could assure him that, as a degreed mathematician, he knew a little something about statistics and that the data he had provided was very valid.

Mr. Cox stated that the indication from Councilman Kling was that the community was in favor of this sports facility at

this location. He stated that the residents in his area could see the handwriting on the wall and that they were aware there would not be houses constructed in this area, that it was not going to happen. He stated, concerning the community that Councilman Kling had commented about, that Mr. Doss had told him several months prior he was no longer involved in this, that someone else was over that community at this time. He stated that that community had six or seven residences that abutted this property and that the survey he had done was for 23 properties that abutted the property. He stated that he believed the persons he had presented his information concerning had a better idea of their feelings than the six or seven other properties.

Mr. James Steele appeared before the Council, stating that he had been somewhat ill for the past few months. He stated that there had been a problem in City Court and that he wanted to thank them for the kindness they had shown him while he had been ill. He stated that he had called the Mayor's office a couple of times to express his appreciation to them because they did not have to do what they had done.

Mr. Steele stated that since he had been ill, there had been some persons operating in bad faith on some property he owned, that persons had vandalized this property. He stated that he had called Community Development about this situation a couple of weeks prior, advising them that persons had stolen everything from this property. He stated that every time they

had boarded up the property, they had again gone on the property. He stated that he had attempted to contact the director of Community Development earlier in the day to express his disappointment on what had been done relative to this property.

Mr. Steele reiterated that he certainly appreciated everything everyone had done for him.

Councilman Culver stated that he had been informed that the City had also lost another one of its own, retired Investigator Perry Petty. He stated that Mr. Perry had worked the front desk at the Council on Mondays. He stated that they certainly wanted to keep his wife and other family members in their prayers as they went through this loss.

President Russell stated that there were students present from Alabama A&M University and asked that one of them go to the microphone and explain what class they were in.

Ms. Andriauna Davis appeared before the Council, stating that she had spoken at the prior Council meeting. She stated that her class was present to do a report for one of their classes.

President Russell stated that if the group needed any help, the Council would certainly be happy to provide it after the meeting.

President Russell asked if there was any further business that needed to come before the Council.

There was no response.

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

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER