

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JANUARY 22, 2015

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, January 22, 2015, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Wanda Gail Campbell, Ph.D., Minister of Peace, led the invocation; Councilwoman Robinson led the pledge of allegiance.

The Minutes of the Regular Meeting of the Council on January 8, 2015, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Mr. Greg Patterson, Director of Parks and Recreation, to come forward, noting that he had some students to recognize at this time.

Mr. Patterson stated that it was his honor to be able to recognize these young people and their accomplishments.

Mr. Patterson asked Sarah Margaret Cimino to come forward. He stated that she was a sophomore at Randolph School, that she was State champion in two events, the 100-Yard Butterfly and the 500-Yard Free Style. He congratulated her on this accomplishment. He recognized members of her family that were in the audience. A member of the audience stated that she was also the State record holder in the 100-Yard Butterfly.

Mayor Battle presented a certificate to Sarah Margaret and congratulated her on this outstanding achievement.

Mr. Patterson asked Taylor Gill to come forward. He stated that Taylor was a senior at Madison Academy and that she had been selected for the All-State Volleyball Team. He stated that the Madison Academy team had gotten to the finals in the State championship but unfortunately had lost at that point. He congratulated her, as well as her teammates.

Mayor Battle presented a certificate to Taylor and congratulated her on this outstanding achievement.

Mr. Patterson asked David Teitge to come forward. He stated that David was a senior at Westminster Christian Academy and that he had been selected for the Class 4-A All-State Football Team. He congratulated him for this outstanding achievement. He also recognized his family members and his coach.

Mayor Battle presented a certificate to David and

congratulated him on this outstanding achievement.

Mr. Patterson stated that Aubrie Huddleston, who was a junior at Grissom High School, should also be recognized, although she was not able to be present for the meeting. He stated that she had also been selected to the All-State Volleyball Team.

Mayor Battle asked that Randy Cunningham and Ken Benion come forward.

Mayor Battle stated that it was not often that one found a person who had worked for one employer for 30 years. He continued that Randy Cunningham had worked for the City of Huntsville for 30 years, and that he handled the inspection Department. He stated that for 30 years Mr. Cunningham had come in day in and day out to make the City a better place.

Mayor Battle stated that he would like to say thank you to Mr. Cunningham and presented him with his 30-year pin.

Mayor Battle stated that he could not believe Mr. Benion, the Community Development manager, had been serving with the City for five years.

Mayor Battle stated that he would like to thank him for a great five years and presented him with his five-year pin.

Councilman Culver read and introduced a resolution recognizing the 2015 Founders Day of Phi Beta Sigma Fraternity, Inc., to be held at the National Speleological Society on January 24, 2015, at 6 p.m., as follows:

(RESOLUTION NO. 15-24)

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

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

Councilman Culver stated that he would be presenting the resolution at the event on the following Saturday evening to the distinguished brothers of the Phi Beta Sigma Fraternity, of which he was also a member.

Councilman Culver read and introduced a resolution commemorating the life of Kenneth J. Dupree, former employee of the Huntsville Police Department, as follows:

(RESOLUTION NO. 15-25)

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

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

Councilman Culver asked Ms. Marcia Dupree and any other family members who wished to to come forward.

Councilman Culver stated to Ms. Dupree that it was his honor and privilege to present this resolution to her on behalf of the Mayor and the City Council, noting that he had had the privilege of working with her husband as a police officer.

Councilman Culver stated that Mr. Dupree had served as a Huntsville police officer for 24 years and had retired in 1998

as an investigator in the Criminal Investigation Division. He stated that Mr. Dupree had lived his entire life in Huntsville, Madison County, Alabama. He continued that he had served his country in the United States Army from May 1971 until April 1974, including a tour of duty in Germany. He stated that for a number of years Mr. Dupree had worked in the Narcotics Unit as an undercover agent and had been responsible for many significant cases and seizures of illicit drugs. He stated that after transferring to the Investigation Division, he had served as a Larceny Detective and had distinguished himself through his work ethics and dedication to duty.

Councilman Culver stated that in 1978, Mr. Dupree had married Marcia Renfro, and that of all the "seizures" he had made during his career, marrying her was no doubt the most dynamic and enduring.

Councilman Culver stated that Mr. Dupree had become quite well-known in the arena of songwriting and was an accomplished songwriter. He stated that he had served as master of ceremonies for the Songwriters Open Mike at Coffee Tree Books and Brews for several years. He stated that he would literally give you his shirt, and if the size was wrong, he would go and buy you one. He continued that he was always upbeat, kind, unselfish, generous to a fault, and that he always had an amusing story or comment and was never angry with anyone.

Councilman Culver stated that Ken's passing was a loss to all who had known him, that he had made everyone a little

better from having been acquainted with him. He stated that if one looked up the term "friend" in the dictionary, one would find Mr. Dupree's picture.

Councilman Culver stated that the City Council and the Mayor of the City of Huntsville wished to celebrate the life of Kenneth Dupree, a wonderful friend and co-worker, and to recognize him as truly having lived a life dedicated to helping those in need, regardless of the circumstances. He stated that he was deeply loved and would be profoundly missed.

President Russell stated that the next item on the agenda was Announcements.

President Russell stated that the Administration had requested that item 14.a, Ordinance No. 15-29, be considered by the Council later in the meeting, by unanimous consent, rather than being for introduction only.

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. 14-928, zoning newly annexed property lying west of Zierdt Road and east of Arnett Road as Residence 2-A District, which hearing had been scheduled at the December 4, 2014, Regular Council Meeting.

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

Ms. Nichols stated that the property was approximately

30.19 acres, lying west of Zierdt Road and east of Arnett Road, indicating the property on a displayed map. She stated that the property was currently vacant land. She continued that the proposed zoning was Residence 2-A District, which she noted was consistent with the zoning of the adjacent subdivision. She stated that this would be an additional phase of the existing subdivision located on the east side of the property.

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

There was no response.

President Russell stated that the public hearing was closed.

Councilman Culver moved for approval of Ordinance No. 14-928, zoning newly annexed property lying west of Zierdt Road and east of Arnett Road as Residence 2-A District, which ordinance was introduced at the December 4, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-928)

Said motion was duly seconded by Councilwoman Robinson.

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

President Russell stated, concerning the following public hearing, that the Council would hold the public hearing at this time, but they would not be voting on this matter because the

paperwork was not ready at this time.

President Russell stated that it was the time and place in the meeting for a public hearing on Resolution No. 14-956, approving of and assenting to vacation of, and vacating, a portion of National Boulevard and Meadowbrook Drive abutting the new Grissom High School Campus, which hearing was set at the December 18, 2014, Regular Council Meeting.

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

Mr. Joffrion stated that this was a very small sliver of land at the end of National Boulevard, beyond the intersection of National Boulevard and Meadowbrook Drive, located behind the Haysland Square Shopping Center, where the new Grissom High School was being constructed. He stated that this vacation was required in connection with this project. He stated that this parcel did not serve any uses and that the vacation had been requested by the School System in connection with the construction of the Grissom High School project.

Mr. Joffrion stated that the paperwork would be available and the matter would be on the agenda for the February 12, 2015, Regular Meeting of the Council.

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

There was no response.

President Russell stated that the public hearing was

closed.

President Russell stated that it was the time and place in the meeting for a public hearing in order to hear and consider all objections or protests, if any, for removal of a nuisance at 2704 Sparkman Drive, NW, Huntsville, Alabama, which hearing was set at the January 8, 2015, Regular Council Meeting.

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

Mr. Benion stated that at the January 8, 2015, Council meeting, this property had been declared a public nuisance, and that under State Law 71-1320, they were required to have a public hearing to hear any objections to this at the following Council meeting. He displayed photographs of the property. He continued that they had posted signs on the property concerning this. He stated that this hearing was just to hear any objections, and that the next item on the agenda was requesting permission to abate the nuisance.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution ordering abatement of a nuisance at 2704 Sparkman Drive, NW, Huntsville, Alabama, as follows:

(RESOLUTION NO. 15-26)

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

President Russell stated to the Council members that the photographs told the story on this matter. He asked if there was any further discussion.

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 Communications from the Public. He stated that persons would have three minutes to address the Council.

Mr. Rusty Loiselle, 12004 Hearthstone Circle, appeared before the Council, stating that he represented Help the Homeless Veterans and Citizens. He stated that he actually had some pretty good news at this time. He continued that they went out into the woods weekly, about four or five days a week, and that recently they had noticed a decrease in the number of homeless persons. He stated that he wanted to attribute that to all of the organizations that had finally been able to work together. He stated that it was amazing what could be accomplished when people started working together. He stated that some of the homeless had gotten back with their families, some of them had actually gotten jobs and had been able to move

into apartments or trailers, that some had done some sweat equity for people. He stated that one way or another, they had moved on, perhaps had moved out of the city. He stated that there were now a minimal number of persons in the camps around the city that some persons had not even been aware of. He stated that persons did not usually get out in the woods, hands on, with these persons like his organization did.

Mr. Loiselle stated that his organization did not get paid any money such as other organizations did. He stated that with them it was not about money, it was about helping these persons get back on their feet.

Mr. Loiselle stated that he was very happy the awareness of the homeless was so large in the city, especially since the Council and the City had said they should all step up and see if they could make this work. He stated that this was getting persons off the street. He stated that they were very pleased to have organizations such as the Foundation for Tomorrow, the Coupon Patrol, the Owens Cross Roads Homemakers, Still Serving Veterans, NACH, the Housing Authority, et cetera.

Mr. Loiselle stated that they wanted to thank Joy McKee of the Green Team and her crew for putting together the tremendous plastic bag mats, which he noted were made out of Walmart bags, Target bags, et cetera. He stated that one thing was that the bags would not be going to the landfill and another was that the mats that were being made were so useful to the homeless, to not only lie on but to also assist them in walking in muddy

areas. He stated that he had handed out many of these himself in the last week and a half, and that they were tremendous. He stated that he certainly wanted to thank whoever had come up with that idea.

Mr. Loiselle thanked everyone for working with his group and stated that they just wanted to keep this thing rolling.

Mr. Lyle Voyles, 7704 Teal Drive, appeared before the Council, inquiring of President Russell if he could distribute some documents to the Council members.

President Russell replied in the affirmative.

Mr. Voyles distributed handouts to each of the Council members.

(Submission by Mr. Voyles)

Mr. Voyles stated that over the past five years, many of the cable companies in Huntsville had disconnected their cables from dwellings and simply left them hanging. He stated that this could be seen in the photographs he had handed out and that it could also be corroborated by numerous emails with photographs that had been sent to Huntsville Utilities.

Mr. Voyles stated that Huntsville Utilities had always been quick to respond and work with the appropriate point of contact to have the cables removed. He stated that often the coordination had been with the City of Huntsville, who in turn coordinated the effort.

Mr. Voyles stated that, however, these combined efforts had not been successful in getting the cable companies to

comply with their own cable removal standards or to supervise the performance of their technicians and stop the habit of leaving their cables hanging on the lines or bundled up on the ground or on the telephone poles. He asked that the Council members note in the left photo he had presented that the cables could easily be snagged by a passing vehicle and that they note in the photo on the right that it was hanging so low that a child could pull on it and damage the overhead cables to which it was attached.

Mr. Voyles stated that one would think that the media companies would be concerned with the safety concerns that were created by such poor deinstallation habits. He stated that executives with several media companies had expressed their concern and were prepared to respond, but that their involvement had been discouraged due to the plan developed between the City of Huntsville and Huntsville Utilities. He stated that his understanding of this plan was that it would identify the responsible media company and hold it accountable for supervising their technicians and stopping the proliferation of these cable eyesores. He stated that residents across the city were eager to know about this program and hoped that the City of Huntsville would actually hold the cable companies accountable for compliance with cable removal standards.

Mr. Voyles asked President Russell if there was someone available at this time who could explain the recommended

coordination process and confirm that the City of Huntsville was now focused on eliminating this unprofessional behavior.

President Russell asked Mr. Hamilton if he could reply to Mr. Voyles.

Mr. Hamilton stated that the process, which he noted was a fairly new process, was exactly as they had described to Mr. Voyles by email a couple of weeks prior. He stated that citizens should submit such things as this that they saw via Huntsville Connect, which he noted was the most efficient way to communicate with the City on these type requirements. He stated that ITS was the department within the City that was managing this program. He stated that they would first work with Huntsville Utilities to confirm that it was not a utility cable. He continued that they had found that it was extremely rare that one of these would be from Huntsville Utilities, but that they did first give Huntsville Utilities the opportunity to confirm that it was not theirs. He stated that almost always it was one of the cable companies or a telephone company.

Mr. Hamilton stated that once Huntsville Utilities had confirmed that it was not theirs, which he noted normally happened within approximately 24 hours, ITS would then get the work order back from Huntsville Utilities, and they would go to the appropriate franchise holder that used such poles and get them to fix it.

Mr. Hamilton stated that there were a couple of things the

City needed, with one being that they needed concerned citizens such as Mr. Voyles to continue to use the system, noting that there would be bottom-up pressure on the cable companies through this system, so that the cable companies would understand that the City would routinely insist upon them getting this fixed. He continued that the second one was something he had been communicating with Councilwoman Robinson concerning, being that he wanted to work to get together with the cable companies and talk directly about the systems they were using and what they were doing to supervise their subcontractors. He stated that most of the work was actually done by subcontractors but the cable companies were responsible for their performance, and that, obviously, when they left what was seen in the photographs, which he noted were just a few examples of probably thousands across the city, the subcontractors were not serving the customers well, and that obviously this had to be fixed.

Mr. Hamilton stated that one of the questions that had been asked was if the City would take this seriously and stated that they certainly would, and that they would continue to work on it. He reiterated that persons who were concerned about this and about their neighborhoods should stay actively engaged through the Huntsville Connect system so that they could get the work orders in progress. He reiterated that the franchise holders were ultimately responsible in this situation.

Councilman Kling asked Mr. Joffrion if he had any idea

when the cable TV franchise agreements would come before the Council, noting that from time to time there were cable TV issues that came up, and that he believed there would be some things they would like to talk about, as far as agreements, or improving things, as far as what they had heard from consumers.

Mr. Joffrion stated that that was a very good question. He stated that the primary cable franchises, with Comcast and now WOW, had expired, and that they had been attempting for some time to commence renegotiations with both companies. He stated that the Council members might recall that Comcast was in the middle of a process that might result in a new provider taking over for the Comcast services provided in the city, if a merger and a buyout went through that had been proposed nationwide. He stated that because of this, Comcast preferred not to negotiate for a new franchise prior to this decision being made, or the process completed.

Mr. Joffrion stated that with regard to WOW, they were still communicating with them. He stated that they had wanted to attempt to do a joint process, where they could negotiate with both companies at the same time, in order to save money and time, and in order to end up with a similar document for both companies, but that this had not proven to be fruitful in light of the merger and buyout. He stated that they were pushing forward with WOW, to attempt to get them to the table to go through this process.

Mr. Joffrion stated that if any members of the public had

any input, if they had any service issues that they would like to have considered as part of the negotiations, this would be the time to submit such issues to the City.

Councilwoman Robinson stated that she would like to follow up on Mr. Hamilton's comments with regard to the hanging cables. She stated that the problem appeared to be so widespread that it probably did not need to be addressed only one shot at a time by Huntsville Connect, although she felt this was a great way to document it. She stated that she would really appreciate their following up with working with the companies.

Councilwoman Robinson stated that, as Mr. Joffrion had just mentioned, the cable companies were sold one to another, and then the agreements changed. She stated further that their standards, their expectations, perhaps even their training, might change, and that that might be part of what was happening in this regard. She stated that they just needed to be very clear with these companies as to what their expectations were and what their community standards were. She continued that she hoped that then they would be able to communicate this information to their people.

Mr. Hamilton stated that he certainly agreed with that and that he certainly intended to communicate with them, and that he and Mr. Joffrion would work through what would be the appropriate way to address them at the corporate level. He stated that he believed the value of getting these work orders

in through Huntsville Connect would be that it would start hitting them in the pocketbook when the subcontractors had to come back out and clean up messes they had left behind, that hitting them where it hurt he believed would be helpful.

Councilman Kling asked if the City could go through the process and institute a Community Development type of ordinance, where if there was a complaint and the City contacted the cable company, that if within a certain number of days the problem was not cleared up, there could be a fine, or the City could come in and cut the cables themselves, and then charge the cable companies for what they had to spend.

Mr. Joffrion stated that any customer service issues such as that were supposed to be negotiated into the franchise. He stated that there were Federal standards, customer service standards, minimum standards, that had to be met. He stated that there was a limit on the upper end as to what could be imposed. He continued that all of this would have to be agreed upon by the franchise holder. He stated that it was not likely that any fines could be imposed, at least not through the franchise ordinance.

Mr. Joffrion stated that what could happen was that the City could pursue and develop a right-of-way management ordinance and use it as the tool for enforcing this, in a way different and apart from the franchises themselves, and in a way that would apply to any user of the right-of-way. He stated that that would be a much more effective tool, in his

opinion.

Councilman Kling stated that he would be open if ITS or Mr. Joffrion's office wanted to pursue this.

Ms. Jackie Reed, 1001-A Bob Wallace, appeared before the Council, stating that a citizen had asked her to ask Mayor Battle if he would get some new microphones for the Council Chambers. She continued that they were cutting her off and cutting other persons off, so that persons could not understand what was going on in these meetings. She stated that she tried to bring everything persons brought to her attention before the Council and stated that if persons could not hear the meeting, she was blaming the Administration and the Council for this. She stated that, obviously, persons did want to hear what was going on. She continued that some persons did not talk into the microphones, that either they did not want persons to hear or they did not care.

Ms. Reed thanked the Council for allowing public input.

Ms. Reed stated that she was always happy to see the young citizens being recognized.

Ms. Reed stated that she was concerned about Councilman Showers, noting that he had not been present for two meetings. She stated that if he was ill, everyone needed to be praying for him to get well and be able to come back. She stated that when a member was missing from the Council meeting, this needed to be recognized and to find out what was going on.

Ms. Reed stated that she had many issues of concern about

City government. She stated that the government was every one of the persons sitting on the stage, noting that they were elected. She stated that there were many, many issues, and that one of the big ones covered a large portion of the agenda for this meeting. She continued that this was the property downtown across the street from the post office. She stated that she would like to know about this property, which she noted they were about to give away.

Ms. Reed stated that she wanted the Council members to read the lease, read about the money, read the years, and inform the public as to what they were doing. She stated that if they were giving property away, they should tell the public why they were doing so, and also tell the public the appraised value of the property. She stated that she would certainly appreciate it if they would educate the public on this matter, noting that they were spending the public's money.

Ms. Reed stated that some persons whose church was located next to this property had told her they did not want condos to overlook their church property. She stated that she had asked them if anyone had asked them if they wanted to buy the property. She asked the Council members if they had put this property out for bid or if they had just made a deal. She stated she did not know how they made their deals.

Ms. Reed stated that she had attended the meeting recently where they had discussed John Hunt Park, and that she was concerned that the public did not get involved in any of these

issues. She stated that what she had seen going on about Joe Davis Stadium was a nightmare. She stated that they just kept giving the City away. She stated that the roads in the city were bumpy, all over the city, and yet they kept giving property away. She stated that they should make the developers put some money on the table, and if they did not follow through on their contracts, there should be consequences. She stated that if persons who were buying a house put money down, and they did not follow through on the purchase, they would lose their money. She asked why the City did not operate in this manner.

Ms. Reed asked if anyone on the stage had a real estate license but quickly stated that she did not want to hear the answer to this.

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

President Russell stated that Ordinance No. 15-7 had been introduced at the prior Council meeting.

President Russell moved for approval of Ordinance No. 15-7, concerning water backflow prevention and cross-connections, which was introduced at the January 8, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-7)

Said motion was duly seconded by Councilman Culver.

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

There was no response.

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

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

President Russell read and introduced a resolution to reappoint Douglas C. Martinson, II, to the Huntsville Public Library Board, for a term to expire February 10, 2019, as follows:

(RESOLUTION NO. 15-27)

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

President Russell stated that Mr. Martinson had filled in a partial term and had been on the Huntsville Public Library Board for approximately a year, and that it was his understanding Mr. Martinson was doing very well and enjoyed the service, and that the Library was happy with his services.

President Russell asked if there was any 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 Board Appointment Nominations. He asked if there were any 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. 15-28)

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

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

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

Councilman Kling replied in the negative. He stated that the Finance Chair, Councilman Showers, was not present for the meeting, that he had been in the hospital for a couple of days, but that he understood he had gone home earlier in the day. He stated that everyone certainly hoped he would be back with them at the next Council meeting.

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

President Russell recognized Mayor Battle.

Mayor Battle stated that he would like to announce that

Scale Back Alabama had started and would continue through March, as part of the Healthy Huntsville Initiative. He stated that after that, they would be going into Healthy Huntsville activities, which he noted would offer a lot of fun all summer. He stated that one of the members of his Scale Back team was in the audience, Mr. Mark McCarter, and asked him to stand and be recognized. He thanked him for being in attendance at the meeting.

Mayor Battle stated that there were free art exhibits at the main branch of the Huntsville Public Library, which persons could visit from 9 a.m. to 9 p.m. each day. He continued that there were also exhibits at the Huntsville Museum of Art and the Huntsville Botanical Garden.

Mayor Battle stated that there was also the 101 Rocket City Inventions display at the U.S. Space and Rocket Center, which was something persons should visit. He continued that this was something really neat, that it was 101 inventions that had changed the world, and they were made here in the Rocket City. He stated that that was something that was certainly very special.

Mayor Battle stated that he would reserve the remainder of his remarks until the Polaris discussion.

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

Councilman Kling stated that he normally held his monthly town meeting on the third Monday of each month, but that

because of the Library being closed for the Martin Luther King, Jr., holiday, he had not been able to hold his normal meeting. He stated that, also, on the following month, the third Monday would be Presidents' Day and that he understood the Library would also be closed. He stated that although he would not be holding his meeting at that time, he would resume the meetings in the month of March. He asked that if anyone wanted to contact him, they please do so. He stated that his home number was in the telephone book or that persons could call him at the Council office. He stated that he would certainly be glad to provide any assistance he could.

Councilwoman Robinson stated that they had held the organizational meeting of the South Huntsville Business Association on January 13. She thanked Harrison Diamond and Dennis Madsen for the part they had played in this very successful first meeting. She stated that the next meeting had been scheduled for February 10, and that Kathy Martin, Director of City Engineering, would be sharing plans for the overpasses and other road projects that would be impacting businesses along South Parkway. She stated that this was a great association, designed to support existing businesses, as well as promote new business, in an area that had been suffering from decline.

Councilwoman Robinson stated that she had had the opportunity to see an overview of the \$250 million Capital Plan for the School System at a meeting being hosted by the

Grissom PTA, with 70 realtors in attendance, and also earlier in the day at the City Council/School Board joint breakfast. She stated that this was an exciting plan and that the new schools throughout the city were really going to be a wonderful source of revitalization for the areas north, south, east, and west. She stated that there were some really exciting projects going on throughout the city, and it was wonderful to see that happening.

Councilwoman Robinson stated that she and Mayor Battle had attended the State of the Arts presentation on the previous evening at the VBC Playhouse, to see the cultural arts grants to approximately 17 different arts organizations. She stated that this was a wonderful partnership between the City and the Arts community.

Councilwoman Robinson stated that she would be hosting her first town hall meeting on January 29 at 6:30 p.m. at the Bailey Cove Library. She invited all who would like to to come and have a discussion about issues, concerns, and ideas about how they could make a better place for everyone to live.

President Russell stated that he would like to remind the public that UAH hockey would be playing at the VBC on Saturday and Sunday at 2 p.m., that they were playing the USA 18-and-Under team, which he noted was a very good hockey team. He stated that kids 12 and under would get in free. He stated that persons would certainly be welcome to attend this event.

President Russell stated that the next item on the agenda

was New Business Items for Introduction. He stated that the Administration had requested that the Council consider the ordinance under this item at this meeting.

President Russell read and introduced an ordinance exempting qualifying projects from the payment of building permit fees, as follows:

(ORDINANCE NO. 15-29)

President Russell moved that unanimous consent be given for the immediate consideration of and action on said ordinance, which motion was duly seconded by Councilman Kling, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Olshefski, Kling, Russell

NAYS: None

ABSENT: Showers

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

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

President Russell asked Mayor Battle if there was someone to explain this ordinance at this time.

Mayor Battle stated that this was part of the Polaris agreement. He stated that just as the State of Alabama was changing some of their incentives, the City had recognized in

this process that they had some things that were not in their incentive packages that were in other cities' and other states' incentive packages, throughout not only the Southeast but the nation.

Mayor Battle stated that one of these was concerning permit fees, noting that when there was a project that was more than \$100 million, these fees got very, very expensive. He stated that this was one of the first things the developers had asked them to ask the Council to take out. He stated that Polaris had asked them to take this out, noting that they had had it taken out in the two other communities that Huntsville was competing against for this project. He stated that they had advised Polaris they would work with the Council to assure that they could be on equal terms with them. He stated that this totally gave the Council the discretion to pass this. He stated that, No. 1, they would be passing an ordinance that would allow them to actually waive the fees.

Mayor Battle asked Mr. Joffrion if he was correct on this.

Mr. Joffrion replied in the affirmative.

Mayor Battle stated that the second thing the Council would be doing would be waiving the fees for Polaris for the permitting fees that were in the process.

Mayor Battle asked Mr. Shane Davis, Director of Urban Development, if he had any comments to add to this.

Mr. Davis stated that, as Mayor Battle had alluded, what was before the Council at this time was a foundational

incentive that most cities across the nation had. He stated that they had held back from doing this until they had gotten into a competition with a project where it was a make-or-break type decision. He stated that they had set the threshold for this policy very high, noting that in order to even ask for this a company would have to make a minimum investment of \$100 million and provide 1,000 jobs. He stated that this was not something they would see coming before them very often.

Mr. Davis stated that they were asking for the Council's consideration on this ordinance at this time.

President Russell stated that he was somewhat concerned about this, but that he liked the 1,000 jobs.

Councilman Kling stated that he would like to clarify what Mr. Davis had just stated. He stated that he was reading that this was a minimum of 1,000 jobs not previously within the corporate limits, so that, basically, they were talking about a net of 1,000 new jobs.

Mr. Davis stated that there must also be a \$100 million capital investment, that it was not an either/or. He reiterated that it must be a \$100 million capital investment and 1,000 jobs, minimum.

Mr. Joffrion stated that the additional protection was that it would have to come before the Council, that the Council had to be satisfied that the commitments were in place, that it could not be some company coming in who would just offer to do that.

Councilman Kling asked if there would be any provision as to someone saying they were going to spend \$101 million and hire 1,001 people, and then it would turn out, down the road, that they did not meet those expectations.

Mayor Battle stated that they would negotiate these things out case by case and they would work with the Council to make sure they would get their money's worth. He stated that they had clawbacks in each of their agreements, and they had clawbacks in the agreements the Council would be considering at this meeting. He stated that the clawbacks were to make sure they protected the taxpayer, noting that that was the most important thing they had to do. He stated that there were very reputable companies they had dealt with, that both Remington and Polaris were very reputable companies, that were leaders in their fields. He stated that, however, it was a business transaction, and they had the responsibility of making sure they had protection for the taxpayers, just as the companies were protecting their stockholders.

Councilwoman Robinson inquired as to the average cost of the permit fees that would be waived.

Mr. Davis stated that they were based on the capital investment of the construction project. He stated that currently in the Inspection Department, it was the value of the project times .0055.

Councilwoman Robinson asked if the thought was that any money the City would be losing on these fees would be recouped

by the economic impact of the project itself.

Mr. Davis stated that that was correct. He continued that it would also be the recoup on the property taxes throughout the years.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-29, 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 Consideration or Action.

President Russell stated that item 15.s had been deleted from the agenda.

President Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement between the Madison County Commission and the City of Huntsville for salaries and fringe benefits reimbursement from the FY 2014-2015 Strategic Counterdrug Team grant, as follows:

(RESOLUTION NO. 15-30)

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 for authorization to advertise and fill the vacant budgeted General Services plumber position, at a higher rate than minimum if

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

President Russell read and introduced an ordinance declaring certain property as surplus and to dispose of at auction, as follows:

(ORDINANCE NO. 15-31)

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 renewing the Agreement with McGriff, Seibels and Williams, Inc., to provide General Liability Insurance on Public Transit Fleet of Revenue Vehicles, as follows:

(RESOLUTION NO. 15-32)

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 a Special Employment Agreement between the City of Huntsville and Cecilia Summers, as follows:

(RESOLUTION NO. 15-33)

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. 15-34)

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. 15-35)

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 Dynetics (Claim FY14-116), as follows:

(RESOLUTION NO. 15-36)

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 Charles Dickerson (FY15-33), as follows:

(RESOLUTION NO. 15-37)

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 Progress Bank Letter of Credit No. 8000003510 for South Gate Subdivision Phase I, as follows:

(RESOLUTION NO. 15-38)

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. 1 to the agreement between the City of Huntsville and Garver, L.L.C., for Engineering Design Services for Martin Road, Phase I, from Old Jim Williams Road to Zierdt Road, Project No. 65-10-RD06, as follows:

(RESOLUTION NO. 15-39)

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 Utility Relocation/Reimbursement Agreement between the City of Huntsville and AT&T Corp., for Relocation of Utility Facilities for Greenbrier Parkway, Phase III, Project No. 65-13-RD02, as follows:

(RESOLUTION NO. 15-40)

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 OMI, Inc., for Construction Materials Testing Services for Weatherly Road Extension, aka Haysland Road, Project No. 65-14-RD01, as follows:

(RESOLUTION NO. 15-41)

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 Garver, L.L.C., for 2015 Surveying Services for In-house Sanitary Sewer Projects, Project No. 65-15-SP11, as follows:

(RESOLUTION NO. 15-42)

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. 1 to the agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C., for Engineering Construction Administration Services for Church Street, Phase II, Project No. 65-05-RD13, as follows:

(RESOLUTION NO. 15-43)

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 amending, by Change Order No. 2, the contract with Reed Contracting Services, Inc., for County Line Road and I-565 Sanitary Sewer Relocation, Project No. 65-12-SM01 and IM-I565(307), as follows:

(RESOLUTION NO. 15-44)

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. 1 to the agreement between the City of Huntsville and Reed Contracting Services, Inc., for Periodic Bid for Asphalt Projects-2013, Project No. 65-13-SP05, as follows:

(RESOLUTION NO. 15-45)

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 Mutual Nondisclosure Agreement between the City of Huntsville and CELLCO Partnership, d/b/a Verizon Wireless, as follows:

(RESOLUTION NO. 15-46)

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 Summit Technology, Inc., for PeopleSoft Support Services, as follows:

(RESOLUTION NO. 15-47)

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 travel expenses for Huntsville Fire & Rescue, as follows:

(RESOLUTION NO. 15-48)

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 Cavanaugh MacDonald Consulting, LLC, for the purpose of providing actuarial services on the City's post-retirement medical plan, as follows:

(RESOLUTION NO. 15-49)

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 Bird and Kamback Architects, LLC, for Architectural Services for the Benton H. Wilcoxon Ice Plex Locker Room Addition, located at 3185 Leeman Ferry Road, as follows:

(RESOLUTION NO. 15-50)

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 Arts Council, Inc., as follows:

(RESOLUTION NO. 15-51)

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 Chamber of Commerce of Huntsville/Madison County, as follows:

(RESOLUTION NO. 15-52)

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.

Councilman Kling read and introduced an ordinance amending Budget Ordinance No. 14-665 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 15-53)

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

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

Mr. Taylor stated that there were several items included in this action, one in the General Fund, to increase the appropriation for the purchase of tools and equipment in the General Services Department, in the amount of \$12,500. He stated that this would be funded with fees this department had collected for maintenance activities for other City agencies

Mr. Taylor stated that in the Capital Improvement Fund, they were adding \$14,500 to the Green Mountain Fire Station Generator project, and that this would be from the Fund Balance of the Capital Improvement Fund. He continued that they were increasing the Wayfinder Signage project by \$23,485, and that this was funded with a contribution from the Huntsville Convention & Visitors Bureau. He stated that they were increasing the appropriation for the Metro Sportsplex projects by \$20,300, and that this was funded from the proceeds of cell phone tower rents received on the property. He stated that they were also increasing the Recreation Prioritized

Projects by \$200,000, and the Brahan Spring Park Improvements by \$700,000. He continued that this was funded from the recent sale of University Park. He stated that all this money would be going back into Recreation projects. He stated that they were establishing an appropriation for Traffic Operations Property, establishing a new account for this, in the amount of \$265,500, and that they were decreasing the Annual Traffic Improvement account by this same amount, to fund this property purchase.

Mr. Taylor stated that in the 2014 Capital Improvement Fund, the new one-cent fund, they were establishing an appropriation for \$14,600,000 for the Purchase of Property, and they were decreasing funding for Road Improvements in the same amount. He continued that they were restoring funding for road improvements by \$14,600,000, and they would increase their borrowing for these projects.

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

Councilman Kling stated that he had a question concerning Traffic Operations, concerning the purchase of the property. He stated that he understood it was a very good price for this property. He asked if they would be hurt by the loss of traffic improvement work that would normally be taking place over the course of the year, to include signalization, signage, painting on roads, nuts and bolts items such as these.

Mr. Taylor stated that there was considerable value, of

course, in the purchase of the property and what was intended for this but stated he would have to defer to Dan Sanders with Traffic Engineering to answer that question.

Mr. Dan Sanders, Traffic Engineering, appeared at the microphone.

Councilman Kling stated to Mr. Sanders that he was in favor of the purchase of the property for the Traffic complex but had a question as to whether Mr. Sanders' department would be hurt badly by this decrease of \$265,000 in the Traffic Improvement Fund.

Mr. Sanders stated that they were going to feel this, but they did need to have the property purchased, as they needed a location to put their poles, et cetera, for storage. He stated that the facility at the Jaycee property was no longer to be available, as everyone was aware, so that they did need a facility for their hardware.

Councilman Kling stated that he had just wanted to state that if there was a need, perhaps some adjustments could be made in different areas to replenish some of this funding. He stated that this was after the fact, noting that he had voted with the other Council members present in favor of the purchase of the property. He stated that he just wanted to bring up a concern as to what impact this loss of money would have on traffic flow in the city.

Mr. Sanders stated that they could certainly have internal discussions about how to try to shift some funding around and

make things operate as best they could with what they were looking at.

Councilman Kling stated that, of course, roads was the big picture, but that Mr. Sanders' department did a lot of fine tweaking with signalization and some of the other things they did, and that he had just wanted to raise a concern about this because of the expected increase in traffic flow in the city.

Mr. Sanders stated that he appreciated Councilman Kling's concern. He continued that one of the items they were looking toward in the next few years was getting a signalization system software and communications infrastructure set up so they could more efficiently operate these signals. He stated that they were going to have to look at that and possibly stretch that out somewhat also.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-53, and it was unanimously adopted by the Council members present.

Councilman Kling read and introduced a resolution authorizing condemnation proceedings to obtain fee simple title to a certain tract of real property for the Church Street, Phase I, project, as follows:

(RESOLUTION NO. 15-54)

Councilman Kling 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 this was a 19,000-plus square-foot tract of land that was required in connection with the Church Street project. He stated that he would be happy to answer any questions concerning this, noting that it was a routine acquisition in connection with a typical right-of-way project for the city.

President Russell asked Mr. Joffrion if it was correct that he had negotiated with the owner to purchase this property, and they had not been able to come to an agreement.

Mr. Joffrion stated that the property owner had been offered the appraised value of the property and had declined the offer, so that they would have to move forward with condemnation proceedings.

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.

Councilwoman Robinson read and introduced an ordinance declaring certain property as surplus and no longer needed for a municipal purpose, as follows:

(ORDINANCE NO. 15-55)

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

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

Mr. Joffrion stated that items 15.l, Ordinance No. 15-55, 15.m, Resolution No. 15-56, 15.n, Resolution No. 15-57, and 15.o, Resolution No. 15-58, were all related and were all in connection with The Avenue project. He stated that in order for the City to lease the property at the intersection of Jefferson Street and Holmes Avenue to the developers of The Avenue, the property must first be declared surplus, and that was what this ordinance would do.

President Russell asked Mr. Joffrion if he would explain how much property this was, noting that Ms. Reed had had some questions, such as how many acres it was and the value of the property.

Mr. Joffrion stated that this included the property from where the old developed buildings were on Jefferson Street to the corner of Holmes Avenue, that it was all the vacant land there, including the paved surface parking lot and the gravel parking lot, that it was several acres.

Mayor Battle stated that during his tenure, they had put out an RFP on this property to see who would develop it, and they had had no takers. He continued that he believed there had been one previously, when another one had been put out, and

the best proposal they had had required a \$20 million public participation. He stated that they had been attempting to develop this property for some time, that it had been a gravel parking lot, that it had been in the City's hands, and that it had produced very little income, and had had very little use that would be an attribute to the City.

Mayor Battle stated that the requirement in this lease was that there would be a multi-family apartment complex, containing at least 120 residential units; 20,000 square feet of retail space; either an additional 50,000 square feet of office space or an additional 50 retail/multi-family apartment units; and 350 total parking spaces within a five-level parking deck, which he noted would all be constructed at the developers' expense. He stated that this was a significant investment into property that the City would own long term. He stated that there was a buy-out clause included, at the appraised price if he had read this correctly.

Mayor Battle stated that the City was sitting in a position where this property would finally get on the tax rolls, that it would finally start paying property tax, that it would produce something that would be an attribute to the downtown area, which would give them additional persons living in the downtown area, additional boots on the ground, which would drive the retail trade, which would drive the downtown viability. He stated that it would also add to the retail mix in the downtown area. He stated that this would be the second

urban development in the downtown area, and the Holiday Inn site would be the third. He stated that this would give them what they would say would be a "critical mass," so that retail development could be continued in the downtown area.

Mayor Battle stated that Mr. and Mrs. Charlie Sealy, who were the developers, had done Belk Hudson Lofts. He continued that they had provided the very first of the downtown apartments that were affordable for persons to live in the downtown area and had done a great job with them, and that this project would be an extension of that. He stated that it would also provide the Sealys enough apartments under one management group to make it worthwhile to have on-site management, which he noted was very critical, especially in a downtown area.

Mayor Battle stated that that was where they were on this project at this time. He asked Mr. Joffrion if he had missed something on this.

Mr. Joffrion stated that as far as the City's participation in this project, the City was providing the land and would provide streetscape improvements, landscaping, and that the City would develop a very small surface parking lot adjacent to the development. He stated that these were items the City would be providing as part of this agreement.

President Russell asked if there was any further discussion concerning the ordinance on the floor, noting that this was declaring certain property surplus and no longer needed for a municipal purpose.

Councilman Kling stated that he felt this was a great neighborhood development project, that this was a neighborhood in the downtown area that would be developed and improve the area around it, compared to the parking lots that were currently there. He stated that, of course, there would be sales tax and property tax that would come in, which, dollarwise, would make it very good for the City, and that, also, he felt it was a very good quality-of-life thing, a good neighborhood project.

President Russell asked if there was any further discussion.

Councilman Culver stated to Mayor Battle that he was aware that the Mayor had held special meetings where citizens could give input as to what they would like to see in Huntsville. He continued that, as he recalled, there had been an overwhelming response to revitalizing the downtown area. He stated that this could sometimes be a difficult challenge, especially from the City's perspective, since the City was not in the business of private development. He stated that he believed this was a grand opportunity to be able to revitalize that portion of the downtown area, especially with a developer such as the Sealys, whom he noted had a proven track record. He stated that this just appeared to be a win-win situation for everyone.

President Russell asked if there was any further discussion.

There was no response.

President Russell called for the vote on Ordinance No. 15-55, and it was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute a Project Agreement between the City of Huntsville and Avenue Huntsville, LLLP, as follows:

(RESOLUTION NO. 15-56)

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

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

Mr. Joffrion stated that the Mayor had previously explained in detail both this item on the agenda, Resolution No. 15-56, and the next item on the agenda, Resolution No. 15-57. He stated that if the Council members had any questions concerning this resolution, he would be happy to answer them. He stated that this was the recitation of the obligations of both parties under the Project Development Agreement.

President Russell asked Mr. Joffrion who Avenue Huntsville, LLLP, was.

Mr. Joffrion stated that that was the Sealys.

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

There was no response.

President Russell called for the vote on Resolution No. 15-56, and it was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute a Ground Lease Agreement between the City of Huntsville and Avenue Huntsville, LLLP, as follows:

(RESOLUTION NO. 15-57)

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

President Russell asked Mr. Joffrion to explain the terms of the lease agreement.

Mr. Joffrion stated that the initial 50-year period was at \$100 per year, and that there were two renewal periods, one for 25 years, at an annual rental of \$120,000 per year. He continued that if the last renewal period was exercised, the rent for that period would be \$120,000 per year, or the then current fair market value, as determined by an MAI appraiser.

President Russell asked Mr. Joffrion if these terms had been negotiated or how they were arrived at.

Mr. Joffrion stated that the terms were negotiated. He stated that, obviously, the 50-year term at \$100 per year was not what one would consider fair market value. He stated that these were incentives necessary in order to attract a developer to spend the kind of capital required for a mixed-use

development of this magnitude and quality.

President Russell stated that the Mayor had mentioned that the property was not generating much revenue at this time. He asked if there was any revenue from the property.

Mr. Joffrion stated that it was not generating any revenue, that it was totally off the tax rolls.

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

There was no response.

President Russell called for the vote on Resolution No. 15-57, and it was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute an Easement Agreement between the City of Huntsville and Avenue Huntsville, LLLP, as follows:

(RESOLUTION NO. 15-58)

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

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

Mr. Joffrion stated that the City was going to retain title to all of the subject property, but that on the surface parking lot to be developed by the City, there were some amenities that were required for the private development that needed to be on the City property, and that this easement was

for that purpose.

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

There was no response.

President Russell called for the vote on Resolution No. 15-58, and it was unanimously adopted by the Council members present.

Councilman Kling read and introduced a resolution authorizing the Mayor to enter into a Real Estate Purchase and Sale Agreement between the City of Huntsville and Diltina Development Corporation, as follows:

(RESOLUTION NO. 15-59)

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

Mayor Battle stated that this was for the purchase of a property on Green Mountain that was owned by Mike Friday. He stated that this was a joint purchase, that the City was going in with the neighborhood association, the Green Mountain Association, and the County to purchase this property. He stated that the Council's action on this would authorize the Mayor to enter into a real estate purchase and sales agreement on the property. He stated that this was a \$250,000 sale, and that it was contingent upon the neighborhood coming up with \$125,000. He stated that just as they did in many cases, the City would put up half of the money and the neighborhood

association would put up half. He continued that, however, in this case it was both the City of Huntsville and the Madison County Commission, that the Madison County Commission had agreed to put up one-half of the \$125,000, which he noted would be \$62,500, and the City would be putting up \$62,500.

Mayor Battle stated that the net result of this would be that the City would be spending \$62,500, and they would get a five-acre parcel of land, which he noted they would make into a park. He stated that as far as the future use of this property was concerned, that probably in 10 years, as population increased on Green Mountain, they would be needing it for a fire station. He stated that they would most likely use half of the property for a fire station, and the other half would remain as a park. He stated that there had also been discussion with the Green Mountain residents that if they ever got into a situation, an iced-in situation or an accident situation, where they needed a heliport there, which he noted would basically be just a cleared field area that a helicopter could land in, they could use this property for that also.

Mayor Battle stated that the residents wanted a park in the area. He continued that they had met with the County Commission earlier in the day, and that they had agreed to work with the City. He stated that this would be County Commissioners Eddie Sisk and Phil Riddick, noting that they both were contributing to make this happen.

President Russell asked if there was any further

discussion of this resolution.

Councilwoman Robinson stated that the unusual piece to this was that if the residents had not raised their share of this purchase, the \$125,000, by February 2nd, there would be no agreement. She stated that she understood they were very close with this and had some commitments from persons to make up the difference they lacked, but that she just wanted to clarify this.

Councilwoman Robinson stated that the City did need this property, that Chief McFarlen had made this very clear to her when she had spoken to him about this matter. She stated that the population on Green Mountain was about to triple, and that in the long term they would need some space to expand the fire station. She stated that the current space they had for the volunteer fire station was really not adequate for a full station.

Councilwoman Robinson stated that this was a good project and a great collaboration among the residents, the City, and the County.

President Russell stated that it sounded like a good project.

President Russell asked if there were any further questions concerning this resolution.

There was no response.

President Russell called for the vote on Resolution No. 15-59, and it was unanimously adopted by the Council

members present.

President Russell read and introduced a resolution authorizing the Mayor to execute a Project Development Agreement among the City of Huntsville, Limestone County, Alabama, and Polaris Industries, as follows:

(RESOLUTION NO. 15-60)

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

Mayor Battle stated that for the past six years, they had been looking at advanced manufacturing, how to bring production jobs into the city. He continued that everyone in Huntsville was not going to be an engineer or a rocket scientist. He stated that there had to be jobs that were good-paying jobs that would fit those persons who might not fall into the other two categories he had just mentioned. He stated that for a long time, Huntsville had been very dependent upon Federal spending. He stated that it was a great thing, that they had a very diversified portfolio of Federal spending, that they had 72 agencies sitting out at Redstone Arsenal, which he noted was a very diversified group. He continued that, however, they wanted to diversify away from Federal spending.

Mayor Battle stated that more than a year prior, they had had the Remington announcement, and that that was 2,000 jobs. He stated that Remington had purchased an existing building, a \$10 million building, which he noted consequently had a greater

value than \$10 million, that it was a 140,000 square foot building.

Mayor Battle stated that what was before the Council at this time was just a further push toward the diversification they wanted to do for Huntsville's economy. He stated that this project had up to 2,000 jobs and \$142 million worth of capital investment that would be coming into the community. He continued that this was a very reputable company, noting that they had had an accounting firm look at Polaris's financials and provide them a report. He stated that Polaris was a leader in their industry, the ATV industry, that they were growing by 14 percent a year. He stated that the reason they were building in Huntsville was because they had been growing so much they needed the capacity. He stated that Mr. Davis would inform the Council as to what the company would be building in the city.

Mayor Battle stated that up until 11 a.m. on this day, they had been finishing up the final development agreement. He stated that the Council members had received early copies of the development agreement, with some red lines in it, earlier in the week so that they could be caught up on this matter. He stated that there had been one or two sticking points that had finally been developed out earlier in the day. He stated that Polaris was a very good business group, that they were frugal, just as the City liked to be frugal, and that they were men of their word.

Mayor Battle stated that he and Mr. Chip Cherry, President/CEO of the Chamber of Commerce, had gone up and met with Polaris in November, and they had given a presentation of what they would like to see Polaris do, Polaris had told them what they would like to do, and they had told Polaris how they would incentivize that. He stated that a lot of people talked about incentives. He continued that every city and every state Huntsville had competed against had had incentives. He stated that Georgia had incentives, Tennessee had incentives, that all 100 communities Polaris had looked at had had incentives. He stated that the City had attempted to come away with the smallest amount of incentives possible.

Mayor Battle stated that one of the things that had sold Polaris on the Huntsville Community was the education system, which produced students who were career ready and college ready. He stated that "career ready" meant the students were trained in advanced manufacturing. He stated that they had been able to send Polaris an article about the Green Car competition, how they built, designed, and did the systems integration for green solar cars. He continued that Polaris had been very impressed with this because it showed a community that had a school system that was training students to be workers in their plants in the future.

Mayor Battle stated that they had shown Polaris their Capital Plan, showing that they had infrastructure and were investing in infrastructure, which he noted that everyone had

played a part in over the past several years. He stated that they had continued to put money into infrastructure.

Mayor Battle stated that they had asked Polaris what had been their turning point for their decision to come into the city, and that they had stated they had looked at education, they had looked at what the City was putting into infrastructure, and they had looked at the 10-year Capital Plan. He continued that they had looked at this Plan and had seen that the City planned on spending money on roads, on infrastructure, on community, year in and year out.

Mayor Battle stated that then Polaris had come to Huntsville, and they had seen the quality of life. He stated that they said they could tell by the people working at the hotel where they were staying and the restaurant workers who were serving them that Huntsville had a trained, educated work force, one that was a good work force that would very much fit the parameters of what they were looking for in employees. He stated that they said that what they found in Minnesota, they also found in Alabama.

Mayor Battle stated that when they had gone through this process and had talked to Polaris, Huntsville could offer some things that money could not buy. He continued that Polaris could not buy an educated work force, they could not buy infrastructure and have it in place, and they could not buy the kind of sites Huntsville had.

Mayor Battle stated that Polaris was impressed with the

area, and the City was impressed with them, and then they had to get down to the details of the 'prenuptial,' which he noted was the development agreement, and they had finally decided to get 'married.' He continued that what the Council was looking at at this time was the final consummation of the marriage, because this was the development agreement which put together what the City was promising to Polaris and what Polaris was promising to the City. He continued that it said what the City would do to have the 2,000 jobs in the city, to have Polaris in the community, to have them be part of the community.

Mayor Battle stated that Mr. Shane Davis, Director of Urban Development, would make a presentation concerning Polaris at this time.

Mr. Davis made a PowerPoint presentation to the Council.

Mr. Davis stated to the Council members that he would take them through a few different segues, a little on the background of the project and a little information about Polaris Industries, and then, of course, they would get into the details of the incentives, the protection the community had with the development agreement, and the return on investment to the community.

Mr. Davis stated that the project had actually begun in August of 2014, noting that that was when the City's team, along with the Huntsville Chamber and the regional community partners, had started competing for the project. He stated that the City of Huntsville had submitted three sites for

consideration for the project. He stated that with the assistance of SSOE, an international site consultant, the Project had evaluated over 100 sites in 14 states. He stated that, as Mayor Battle had mentioned, the key factors in determining the most suitable site for Polaris Industries to do its expansion included community infrastructure, a skilled work force and education system, good logistics for the project site, and the quality of life of the community.

Mr. Davis stated that he would give an overview concerning Polaris. He stated that they had recorded record sales in 2013 of \$3.8 billion. He continued that the company was founded in 1954, noting that they had just celebrated 60 years in business.

Mr. Davis stated that Polaris was the leading producer of off-road vehicles, including all-terrain vehicles, snowmobiles, and side-by-side vehicles. He stated that the company also owned the Victory and Indian motorcycle brands, with Indian being one of the oldest American-made motorcycle brands. He continued that the company was actively advancing into both Department of Defense vehicles and electric/hybrid powered vehicles. He stated that some of their brand names that were community household names were the Polaris Ace, the Polaris Ranger, the Polaris RZR, and, of course, Indian and Victory motorcycles, the Polaris Sportsman, and the Slingshot, noting that some persons might have seen the announcement of this. He continued that the GEM brand car was a separate entity of

Polaris Industries and was an electric vehicle brand.

Mr. Davis stated that Polaris Industries had averaged a 14 percent growth rate per year from 2009 to 2014. He continued that in the prior year the company had had a record growth of 18 percent and record sales of \$3.8 billion.

Mr. Davis stated that Polaris had more than 7,000 employees worldwide and that their coming into Huntsville would take this figure to almost 10,000 employees worldwide. He stated that they had 11 manufacturing locations across the globe and five Research & Development Centers of Excellence, noting that Huntsville would be No. 6. He stated that there were currently 1750 dealerships in the United States and 1400 dealerships outside the United States. He continued that there had been 300,000 units shipped in 2013 within the United States, and that there were more than 100 countries to which their products were exported and sold.

Mr. Davis stated that he would provide a little background as to where the company's revenue was derived. He stated that 67 percent of the annual company revenue was from off-road vehicle product lines, noting that the Huntsville facility would produce these vehicles. He stated that the growth rate of the company was actually the reason for the expansion and that Huntsville would be part of that growth rate. He continued that the most popular vehicles they were selling around the country were what would be made at the Huntsville facility.

Mr. Davis stated that he would present a project site overview. He stated that the project site was the former McCrary farm, which was 505 acres. He stated that this was the ultimate site selected by Polaris of the three sites the City had submitted. He stated that the current proposed campus layout for the Polaris campus would include an initial building of 630,000 square feet, the Manufacturing Facility; approximately another half-a-million square feet for a Distribution Center; a Research & Development Facility; and a Product Testing Facility. He stated that the campus would allow Polaris to double in size in the future without any further need of land, noting that one of the things that had appealed to them was to be able to have such a campus.

Mr. Davis stated that this 505-acre campus put Huntsville in a great position, with the growth rate the company was having, to be a natural expansion location for them.

Mr. Davis stated, concerning the Project details, that the Polaris Capital Investment would be a minimum of \$142 million, that the jobs created would be up to 2,000, with a 1700 guarantee. He stated that he would get into that, that it was more related to the mortgage they would have on the property with Polaris. He stated that the annual average salary was \$37,450 a year, excluding benefits, employee stock options, and overtime. He continued that they would have an annual payroll in the community of approximately \$75 million.

Mr. Davis stated that the opening of the Polaris plant,

with employees working, was scheduled for sometime in the first quarter of 2016. He continued that their schedule included commencing mass grading of the site in mid-February and commencing vertical construction of the building in May, with a hopeful shell completion of the facility sometime in September of 2015, and then from September of 2015 into the first quarter of 2016 would be staffing it with employees and equipment.

Mr. Davis stated that, as he had previously mentioned, the side-by-side and off-road vehicles were what would be initially produced at the plant. He stated that one could see displayed on the screen three vehicles that would come off the assembly line in Huntsville, being the Ranger products, which included approximately 10 lines: the Polaris Ace, which had four different models; and the Polaris RZR, which had approximately 10 models. He stated that there would be approximately 18 different models coming out of Huntsville, being shipped across the world.

Mr. Davis stated, concerning the Incentive Commitments, that the incentives were from three different areas: The State of Alabama, Governor Bentley's office and the Department of Commerce; the City of Huntsville, the Council, at this meeting; and Regional Partners.

Mr. Davis stated that the State of Alabama had committed a total of \$60 million, in the form of cash from State Discretionary Incentives. He stated that some of this was for

site work and extension of rail service. He continued that some of this would be going toward offsetting some of the vertical construction costs. He stated that this would be paid at the time of the certificate of occupancy. He stated that this somewhat protected the City because the Capital investment had to be completed before Polaris received some of the State incentives, noting that, therefore, the City would be double covered.

Mr. Davis stated that \$20 million of the \$60 million would go into AIDT Workforce Development, He continued that they could not recruit without AIDT, that they were one of the best in the world in what they did in workforce development.

Mr. Davis stated that the Sales Tax Abatement was just under \$3 million of the \$60 million, and that the Property Tax Abatement, by State Statute, was approximately \$6.6 million. He continued that that was non-educational taxes.

Mr. Davis stated that the City of Huntsville incentive was \$14.5 million, to provide the land, the 505 acres. He stated that this incentive would be in the form of providing the project site, under a performance mortgage scenario, very similar to what had been passed by the Council concerning the Remington development.

Mr. Davis stated, concerning Local Commitment Protection, that the City of Huntsville had an investment protection provision within the development agreement to ensure public protection of its commitment. He stated that this local

commitment protection was that the project development agreement contained provisions within it to secure the full and timely performance by Polaris Industries in regard to their Capital Investment and their Jobs Commitment. He stated that the City would receive a foreclosable mortgage on the property to secure any payments due to the City.

Mr. Davis stated, concerning the recapture of local incentive, that for each project year, with a 12-year total, Polaris would owe the City a payment of \$1.2 million, plus accrued interest, if it failed to meet its minimum full-time employment level and its minimum hourly wage commitment. He stated that if Polaris satisfied the hiring of its full-time employee level and its minimum wage commitment for a project year, nothing would be owed for that annual mortgage payment. He continued that this was year-by-year for a 12-year mortgage.

Mayor Battle stated that he would point out that if Polaris came within 80 percent of the amount, they would be forgiven 80 percent and 20 percent would be what they would pay.

Mr. Davis stated that what was being displayed at this time was the Proposed Mortgage Table. He stated that, similar to the Remington agreement, Polaris had committed a \$142 Million investment, and 2,000 jobs, with a minimum average wage of \$18 per hour. He continued that everyone was aware that the economy was cyclical. He stated that the City had taken 85 percent of their commitment to be the rate for which

they would owe the City a payment. He continued that if one took 85 percent of 2,000 jobs, it was 1700 jobs. He stated that what this would allow Polaris to do would be to ramp up and be solid rather than hiring a lot of people, and perhaps the economy would go bad, and they would have to lay people off. He continued that it gave Polaris the flexibility to grow, and it gave the City the flexibility to be a good corporate partner with them, just as they had done with Remington and other companies.

Mr. Davis stated that on the 12-year mortgage schedule, one could see that Year 2 would be 400 jobs, and that by Year 7 they would be at full ramp-up employment of 2,000, with the mortgage being based upon 85 percent of that.

Mr. Davis stated, concerning the Regional Partners, that Limestone County was a huge regional partner, that they would be providing \$1 million cash. He stated that one of the requirements in the RFP was to provide one year of temporary office and training space for existing Polaris employees to come down and set up the new factory, train employees, and get it up and running. He stated that Limestone County would be handling 100 percent of this cost, and that any remaining funds of that amount would go toward the construction of Greenbrier Parkway.

Mr. Davis stated that Morgan County, Decatur, and Athens were also regional partners, and that jointly they would provide \$950,000 cash to the project. He continued that this

would go toward the Greenbrier Parkway requirements of Polaris.

Mr. Davis stated that Huntsville Utilities would be providing natural gas service to the project site; the Limestone County Water Authority would be providing water service to the site; and Athens Utilities would be providing electrical service to the site, noting that they would be installing an electrical on-site substation.

Mr. Davis stated, concerning Return on Investment, that the project would produce a total of \$206 million in State and Local revenue over a 10-year period, and approximately \$420 million over a 20-year period. He stated that, as he had mentioned previously, there would be an annual payroll of approximately \$75 million, which he noted did not include overtime or benefits.

Mr. Davis stated, concerning Labor Distribution from their model, that it was estimated that one-third of the jobs would reside within Madison County, and 15 percent would reside within the corporate limits of Huntsville.

Mr. Davis stated that the 20-year net revenue return directly from Polaris was estimated at \$20 million. He continued that the City would get its money back on the property, plus a \$5 million bonus, without taking into account any employee direct incentives they would be getting from new jobs created in the community.

Mr. Davis stated that the project had a multiplier effect of 2.4, noting that what was meant by this was that for every

job they created or every dollar they spent, it would be multiplied by 2.40. He continued that that would bring it to \$48 million, within the city of Huntsville. He continued that regional was much larger than that, that it was \$420 million.

Mr. Davis stated that the return on investment with the location of the Polaris campus would impact the Huntsville community for many years to come. He continued that the creation of 2,000 new jobs in this general area would provide additional opportunities in this corridor, noting that Mayor Battle had mentioned they were working on several other projects. He continued that there were some tremendous industrial recruiting sites. He stated that, as he had told Polaris when they came, this was not by chance, it was by design. He stated that they had spent the prior 10 years putting the infrastructure in place and creating the environment to create jobs for the community, and that they were starting to reap some rewards in this regard.

Mr. Davis stated that new residential development within the community was shown in yellow on the displayed map. He stated that these were areas that had sewer and some development in place, and that they expected the development to expand. He stated that the red circled areas were commercial zones which they thought would bring in commercial and retail development they had planned for this area, noting that this would result in increased sales tax revenue. He stated that over the next 10 years, these new developments would create a

new tax base for Huntsville, in property and sales taxes. He stated that their model showed that 35 percent of the employees' salaries would be expendable income, and that that would translate into putting \$26 million annually into the economy, in goods and services purchases.

Mr. Davis stated that, as he had mentioned previously, there was some public infrastructure they would need to accelerate, being Greenbrier Parkway, Phase II. He stated that the Council had approved in October to fund the Greenbrier Parkway, Phase II, in the Capital Plan for 2015. He continued that as Mr. Taylor had mentioned, concerning the budget amendment, previously in the meeting, they would be shifting the funding for this roadway improvement project to the purchase of the project site.

Mr. Davis stated that the City of Huntsville was proposing to fund the construction of Greenbrier Parkway, Phase II, replacing the funding that was in the Capital Plan to build that road from an Industrial Access Grant, in cooperation with the City of Huntsville and the State of Alabama Department of Commerce and ALDOT; the incentives from the regional partners which he had mentioned earlier; and the creation of a new TIF district that would encompass the Polaris campus.

Mr. Davis stated that he would provide some background information concerning the Greenbrier Parkway. He stated that, as he had mentioned previously, it was approved for construction dollars in October of the budget year 2014, and

that the current estimate was \$7.5 million. He stated that a small portion of the project which fronted the Polaris campus they had agreed to have completed by the end of October of the current year. He stated that this should not be a problem, noting that it was only approximately 900 feet. He continued that the remaining portion would be completed in 2016.

Mr. Davis stated that, as he had mentioned previously, the City of Huntsville would create a TIF district to cover the cost of the public infrastructure, including the Greenbrier Parkway construction. He continued that the creation of the TIF district would be presented after the execution of the project development agreement, at a later Council meeting. He stated that the final TIF boundary for the proposed district was currently being determined, noting that it would include the future Polaris campus and additional properties to the north and west of the site.

Mr. Davis stated that he could not say enough that, as with the recruitment of any major industry, it took a team effort. He stated that he had wanted to show what he was displaying at this time so that persons could see all the team players that had worked to bring something like this to the community. He stated that he could not thank the Chamber of Commerce enough, noting that Chip Cherry was present in the audience. He continued with AIDT, the Limestone County Economic Development Authority, the Utilities Department, the City of Athens, the City of Decatur, Limestone County, and TVA.

He stated that TVA had been on the trip, and that there were a couple of phone calls made between meetings that had really made a difference. He continued that TVA had really stepped up in the community to help bring this project home.

Mayor Battle stated that when they mentioned the multiplier effect, they were not even taking into account the suppliers that would come in, that this was an OEM, a manufacturing outlet. He stated that there would be tier one and tier two suppliers that would be locating in the area that would provide engines, chassis, exhaust systems, turn lights, and electrical systems. He stated that all these suppliers would be coming in to locate close to the plant so they could service the plant.

Mayor Battle stated that this was one of the things that had not even been considered in the 2.4 multiplier effect. He continued that the 2.4 multiplier effect was 2.4 jobs for every production job, that for every first-line job there were 2.4 that would come in, for persons to work in restaurants, for persons to sell homes, for persons to build homes, et cetera, for these 2,000 people. He continued that for all these different type jobs, there would be a multiplier effect of 2.4 per each job.

Mr. Davis stated that he would be happy to answer any questions the Council members might have concerning this matter.

President Russell recognized Councilman Culver.

Councilman Culver stated to Mr. Davis that he certainly appreciated all he had done, with all the collaborations that were necessary to make this possible. He continued that he was personally grateful that this project was located in his district, District 5.

Councilman Culver stated to Mayor Battle that he was aware there would be a lot of concerns about the services the City would provide in regard to this project and stated that it appeared to him that this was presenting a great opportunity to look at a true West Precinct for the Police Department. He continued that he was looking at all the residential communities and business communities that would develop in the area. He stated that he was aware they had fire protection a little closer in that direction, but they might have to revisit that as well.

Councilman Culver reiterated to Mr. Davis that this was a job well done, noting that it meant a lot not to just Huntsville but also North Alabama and Southern Tennessee.

Councilman Culver stated that he had a question related to the training, AIDT. He asked if there was any way some of the training might go to Drake State and Calhoun Community College, noting that they had workforce ready development programs.

Mr. Davis replied in the affirmative, stating that what would happen would be that AIDT would sit down personally with Polaris and create a custom training program for them, as they did for all industry in the state of Alabama. He stated that

once that was in place, they would sit down with them concerning the continuing job market and the work force that was needed, and they would go out to Drake, Calhoun, and others, and create some technical classes, so they would have a feeder program, just as they had done for Boeing, Toyota, and others. He stated that these schools would be involved as the years progressed.

Councilman Culver stated that that was great.

Councilwoman Robinson stated that Mr. Davis had mentioned that there would be a \$26 million annual sales tax impact and inquired as to what percentage of this would be City sales tax.

Mr. Davis stated that they were estimating that approximately 21 percent of this would be spent in the region. He continued that they would have a better handle on this in the years to come. He stated that Huntsville was a regional powerhouse from a retail standpoint and that this figure could be much higher. He stated that they were very conservative in their numbers, that they did not want to over-promise and under-deliver. He stated that every number that had been stated had been very, very conservative.

Councilwoman Robinson stated that the development of all the commercial areas was within the city's boundaries and stated that she believed that would certainly be a source of a significant piece of that sales tax.

Mayor Battle stated that the 21 percent was more jobs and jobs locating within the city of Huntsville, that the sales tax

impact would be the \$75 million, and that as a regional shopping center area, a regional retail area, the City would get its share of that.

Mr. Davis stated that if one took the \$26 million he had mentioned and took 21 percent, that would be \$5 million annually. He stated that that would be an annual projection, that the \$26 million was annually, and there was a 20-year projection. He stated that they were looking at four to five million dollars, conservatively, in new infusion of sales tax into the community. He stated that the 21 percent was what they believed would reside within the corporate limits.

Councilwoman Robinson stated that she had a similar question with regard to the suppliers that Mayor Battle had mentioned previously. She asked how many jobs they were anticipating would be coming in as the suppliers moved in and if the suppliers would largely be locating within the Huntsville area.

Mayor Battle stated that they were very early in this process, that they were just beginning to meet concerning suppliers and supplier needs. He stated that one question that had been asked was if the City would give the same incentive to the suppliers that they were giving to Polaris. He continued that they had quickly said no to this. He stated that the suppliers would come in and be on a free-market basis and be working with them in the area. He stated that they had already had some developers looking at the area and where to put a

supplier park.

Mayor Battle stated that another thing that needed to be recognized was that their partnership out of this was with Limestone County, Morgan County, and the counties to the west. He stated that they had considered that the money they brought in off of regional sales tax and the money they brought in the City of Huntsville was also portions of what was Madison's contribution and Madison County's contribution. He stated that they had 42 other projects, and they did not want to tap out all their partners at one time. He stated that they felt like this plan had worked very well, to be able to be able to pay for this project, and that on the other 42 projects, they would be working with Madison and Madison County on contributions, just as they had done with Remington and just as Madison had done when they were working the Intergraph project. He stated that everyone was part of the success of this project.

Councilman Kling asked Mr. Davis how many of the jobs with Polaris would be coming down from Minnesota and how many would be available for persons from the North Alabama area.

Mr. Davis stated that the early prediction was that the transfers would be somewhere between 12 and 18 percent, but that it could be less. He stated that they could be temporary, where these persons would stay a couple of years and then go back home. He stated that 80 to 85 percent would be a minimum of jobs being brought into the community.

Councilman Kling stated that he also had a growth-related

question. He stated that persons would remember that approximately two years prior, the State had informed them they were going to back out of the 10-year plan that had been in place for needed growth projects. He continued that he was aware that the Administration had worked hard to get the best they could out of the State. He asked if the Governor or the Highway Director had said anything about coming back to try to plus-up what they were doing in Huntsville since Remington and Polaris were basically the two largest job announcements the State had.

Mayor Battle answered in the affirmative, and stated that the Governor had come to the table very, very strong, along with the Secretary of Commerce, to make this project work. He stated that when they had gone to Minnesota, the State had plussed up some of their numbers to make sure the project worked. He stated that he believed they had seen how vital it was and what a leader in the industry this company was, and what it would mean to the brand of Alabama to have them here.

Mayor Battle stated that, in the same way, when they had spoken with Director Cooper, with the Alabama Department of Transportation, he had said that he was very excited and wanted to work with them. He stated that, in fact, the prior week, he had sent them an email asking them to get their applications in for an industrial access grant so they could do it. He continued that these had been turned in on the prior day, so that they could work with the City in making sure they had the

money for Greenbrier Parkway. He stated that they had mentioned to them that this was Phase I and Phase II, that Phases III, IV, and V still had to be done on Greenbrier Parkway. He stated that this would give them a corridor all the way between I-65 and I-565. He stated that they had given every indication that they would be glad to work with them, that they wanted to work with them.

Mayor Battle stated that the State had certainly stepped up. He stated that every time there was a new election, there would be a new Governor, a new State Director of Transportation, a new Commerce Director, et cetera, but that the persons that were in these positions at this time had been doing great work and a very good job for them.

Mayor Battle stated that the Secretary of Commerce had come out with new incentive proposals, and that portions of these had come out of discussions they had had on both this project and the Remington project, because they had seen the need for Huntsville to be able to offer the same incentives that others offered. He stated that one of the incentives they were discussing was the direct payroll. He continued that 3 percent of the direct payroll provided one of the best clawbacks they could have in the system, that if the company did not provide the jobs, did not provide the funds, they would not get the money. He stated that this was one of the best systems they could go into.

Mayor Battle stated that the State government, for all

their woes at this time and what they were going to have to go through in this session, had really come to bat with them and worked very, very hard.

Mayor Battle stated that he would like to provide Mr. Chip Cherry an opportunity to speak at this time, noting that he was the President/CEO of the Chamber of Commerce and had been with them every step of the way through this process and had done a marvelous job. He asked Mr. Cherry what they had left out in their discussion.

Mr. Cherry stated that he believed they had covered everything, that he just wanted to say thank you to the Council for the faith they had in the team and the support to make this project possible. He stated that there had been two great recent projects, and that they were phenomenal, in that one did not normally see 2,000-job projects very often in one's career, but there had been a lot of large projects, and that this spoke to the faith the development community had in Huntsville's economy and region. He continued that a lot of this had to go back to the quality of the persons sitting on the Council and stated that he just wanted to thank the Council. He stated that he also wanted to thank Mr. Davis and everyone else on the team.

President Russell stated that, with the Council members' consent, he would like to open the meeting for public comment, noting that these projects came so fast they did not have a lot of time to inform the public concerning them. He stated to

the public that the Council was sorry about this, that this was just the way it worked, that projects came to them, and now this was being discussed in public, and that if any member of the audience would like to comment at this time, the Council would be glad to hear it.

Mr. Jerry Cox again appeared before the Council, stating that, as a citizen having been involved with the Alabama Industrial Development Training for Alabama Diesel and Toyota, he would like to congratulate Mayor Battle, Mr. Davis, and all other involved City employees for accomplishing the Polaris project. He stated that he had been a long-time employee of AIDT, although he certainly would not want to speak for them. He stated to Councilman Culver that when initially they had trained the Toyota people, a lot of that training had been done at Drake. He continued that on other projects, Calhoun had been involved also. He stated that most likely there was no employee at Toyota to whom he had not taught five or six courses.

Mr. Cox urged the Council to approve this agreement.

Mr. Don Bishop, 1518 Toney Drive, appeared before the Council, inquiring as to whether they planned on producing the Slingshot model at the Huntsville facility.

President Russell stated that it would be Polaris producing it. He asked Mr. Davis if the Slingshot would be produced at the Huntsville Polaris plant.

Mr. Davis stated that the Slingshot would not initially be

produced, that the Ranger, the RZR, and the Ace would be the current product lines.

Mr. Bishop asked if at some time after they had finished their construction, Polaris would be producing the Slingshot at the Huntsville plant.

Mr. Davis stated that they would not be doing so in Huntsville, that they would do it at the corporate headquarters in Minnesota. He stated that the Slingshot had resulted in phenomenal sales for Polaris, that it came out of the research and development facility, and they had taken it to an international show, in 2012, he believed, just as a tickler of a possible new product, and it had won best of show, and they had put it in production. He stated that he had asked about the predicted sales for Slingshot, and they had not known, that it was just put in production, and that it currently had a four-month backlog in sales. He continued that this might be a line added at Huntsville Polaris in the future.

President Russell inquired as to the models that would be produced in Huntsville.

Mr. Davis stated that it would be the Polaris Ranger models, the Polaris RZR models, and the Polaris Ace models.

President Russell asked if these were all four-wheel vehicles.

Mr. Davis replied in the affirmative.

President Russell asked Mr. Bishop if he had any further questions.

Mr. Bishop replied in the negative.

President Russell stated to Mr. Davis that he certainly appreciated all the work they had done on this and stated that he liked the project very much. He inquired as to the reason for three different utility companies being involved in this project, asking how this had come about, and if it was a good practice, or if there was any concern about this. He stated that he would have concerns if this were his factory.

Mr. Davis stated that if they had not had the partnerships they had had in this area in the prior 15 years, it could be an issue. He stated that the water service for the area had been set many years ago, as far as the water rights service area, so that it was hard for water utilities to expand in the service area. He stated that gas was a little bit different story, and that TVA set the service areas for electric. He stated that in this general area, they were getting into crossing in and out of different service areas, that they were on the fringe. He continued that, however, everyone worked very well together, so that it was never an issue with Polaris.

Mayor Battle stated that from Day One, they had had Mark Yarbrough, Chairman of the Limestone County Commission, working with them hand in glove. He stated that the County Administrator was David Seibert, who had previously been the Chairman of the County Commission. He continued that they were a very good group to work with, that they were a team-oriented group. He stated that they had had to go to them

with some of the issues President Russell had mentioned, and that there were some concerns in how they made sure that everything fell together in the right way. He stated that they had all promised to use all their influence and all their expertise to make sure that this would come together in the right way. He continued that the executives at Polaris realized that a City did not get to be AAA without doing what it said it would do.

President Russell asked Mr. Joffrion, concerning Amendment 772 and the TIF, if he could tell them a timeline of when they would be coming back to the Council with these documents.

Mr. Joffrion stated that the 772 announcement had already been published in the newspaper, that they had to comply with that requirement. He stated that the Council was approving documents at this meeting that would also satisfy some 772 requirements. He stated, concerning the TIF document, that they should keep in mind that the TIF was not going to pay for the incentives provided to Polaris in terms of land acquisition, that it would pay for infrastructure, the Greenbrier Parkway improvements and other public infrastructure improvements. He stated that most likely they would bring before the Council a TIF schedule at the next meeting and start this process. He stated that this would be a minimum two-month process. He continued that money had to be borrowed for these improvements, and that the borrowing process would take a minimum of two, or perhaps three, months, according to

Mr. Taylor.

President Russell asked if they would be finished with the 772 requirements when this agreement would be approved or if this would have to be discussed further.

Mr. Joffrion stated that he believed this would complete the 772.

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

There was no response.

President Russell called for the vote on Resolution No. 15-60, and it was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute an Option Agreement between the City of Huntsville, Alabama, and J&M Hargrave Farms, as follows:

(RESOLUTION NO. 15-61)

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

Mayor Battle stated that this was a by-product of the agreement they had. He stated that a farmer who had been leasing the property they were purchasing had a crop that he had just put into the ground when Polaris had contacted them saying that they would like to go on that property. He stated that the City's agreement was they would take care of the

farmer's crop, pay him for his crop, that that was what they had agreed to in the land sale agreement. He stated that this was part of the cost of doing the process, noting that the total cost for this was \$69,000.

Mr. Davis stated that paying for a farm crop was not something new to the City, that they had routinely done this with other expansions, and that other cities also did this, noting that it was no fault of the farmer. He continued that it was a small amount, that this was approximately 120 acres of the 505 acres, and that it was a winter wheat crop.

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

There was no response.

President Russell called for the vote on Resolution No. 15-61, and it was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute an Agreement to Purchase between the City of Huntsville and Donald Ray Vaughan for certain real property, as follows:

(RESOLUTION NO. 15-62)

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

President Russell asked for an explanation of the above resolution.

Mr. Hamilton stated that this was for the purchase of property on Clinton Avenue that would provide for the expansion of space for Traffic Engineering, which he noted had been discussed extensively earlier in the meeting. He stated that the primary purpose of this was to allow for the consolidation of Traffic Engineering in one location, which he noted would allow them to operate much more efficiently. He stated that, predominantly, the use was for the consolidation of their lay-down yard for large pieces of equipment and replacement supplies, such as poles, et cetera. He stated that, secondarily, this had the advantage of contributing to the redevelopment of John Hunt Park, in that at this time all the supplies were sitting basically in the middle of what would be John Hunt Park, so that they had to get them moved. He stated that, fortunately, they had the opportunity to move to a place that would actually make them more efficient, that that was what this would achieve.

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

Councilwoman Robinson asked, concerning Councilman Kling's earlier question with regard to the funding for this coming out of the Traffic Improvement Plan, if they had been to the location and looked at the piece of property that was immediately adjacent to the Traffic Engineering Building. She stated that they would be storing the equipment right next to the building, rather than in John Hunt Park, so that she would

think the efficiencies they would experience there might perhaps lower their cost in some way, the labor costs if nothing else, so that that would offset the monies they would be losing in the Improvement Plan. She continued that that loss might be less than they expected it to be.

Mr. Hamilton stated that it would allow them to react more quickly if there were an emergency outage; if, for example, in the middle of the night or on a weekend there was some sort of significant issue at an intersection, whatever employee was on call could come in and deal with it. He stated that at this time, they would come in to Traffic Engineering, get their vehicles, get whatever tools and whatever supplies they needed, and then go to John Hunt and get those supplies, and then travel to the intersection. He stated that this would allow them to get everything they would need to deal with the problem in one place and then go directly to the affected intersection.

Councilwoman Robinson stated that it might be that labor costs, as well as travel costs, maintenance on vehicles, et cetera, could potentially be impacted.

Mr. Hamilton stated that he agreed with what Councilwoman Robinson was saying and stated that it would also be just getting to the affected intersection and fixing it faster.

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

There was no response.

President Russell called for the vote on Resolution No. 15-62, and it was unanimously adopted by the Council members present.

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

Mr. Tom Devenish, 2807 Castle Pine Circle, appeared before the Council, stating to President Russell that he appreciated his coming out on the prior day, noting that President Russell had attended his Homeowners Association meeting on the prior evening.

Mr. Devenish stated that he had lived in Hampton Cove for almost 20 years and had owned the property for a longer period of time. He stated that in 2010, he had installed a small fence for two dogs. He continued that before he had installed the fence, he had applied for a permit from the Homeowners Association. He stated that he had installed the fence, and that two years later, they had sued him for putting three aluminum corner posts in the fence rather than brick corner posts. He stated that the Hampton Cove Homeowners Association Board, the HCOA Board, had approved the fence.

Mr. Devenish stated that they had turned the HCOA Board into a private club, that they selectively enforced the covenants. He stated that as a result of the Board suing him in Small Claims Court, he had counter-sued them and had won, before Judge O'Dell. He continued that he had actually sued them in 2003 because they were not enforcing the covenants, and

that he had run for the Board in 2003 when he had the lawsuit filed in Small Claims Court. He stated that they had not wanted him to be on the Board and suing them at the same time, so they had amended the By-Laws. He stated that he had applied to run for the Board, and then they had amended the By-Laws, after he had applied. He stated that at this time, on the By-Laws of the City of Huntsville, one could not run for the HCOA Board independently, that one had to apply for permission to run, and one could not run if one had sued them in the prior seven years.

President Russell stated that Mr. Devenish had said "the By-Laws of the City of Huntsville," but he did not believe that was what he meant.

Mr. Devenish stated that it was the By-Laws of the HCOA but they had filed this with the City of Huntsville.

Mr. Devenish stated that after winning the lawsuit in July of 2014, he had applied to run for the Board in November, and they had advised him on the last day, literally two hours before the closing time, that he was not going to be allowed to run because of the By-Law amendment they had put in in 2003.

Mr. Devenish stated that, basically, they had turned the Hampton Cove Homeowners Association Board into a private club, and they selectively enforced the covenants. He continued that in the neighborhood there were many violations of the covenants. He stated that there were other persons in the neighborhood that had aluminum corner posts in their fences,

noting that one of the houses that had aluminum corner posts in their fence was a next-door neighbor of an HCOA Board member.

Mr. Devenish stated that this had turned Hampton Cove into an unpredictable situation. He continued that there were a lot of persons who had actually moved out of the area because they did not want to put up with the Board. He stated that it was unfortunate that persons who moved into Huntsville had to go out there and find out what was happening. He stated that he had recently found out that an acquaintance of his had purchased a house in Hampton Cove and stated that if she had spoken with him about this beforehand, he would have advised her not to do it.

President Russell asked Mr. Devenish what he was asking of the Council concerning this matter.

Mr. Devenish stated that he wanted the City of Huntsville, the City Council, to do something to protect the homeowners of Hampton Cove so that one would have a right to run for the Board and it would no longer be an exclusive club.

President Russell asked Mr. Joffrion if he would advise the Council concerning this matter.

Mr. Joffrion stated that, regrettably, these were all private covenants and private arrangements, and the City Council had no authority or jurisdiction to interfere with these, regardless of how the Board might be responding to Mr. Devenish or anyone else. He stated that he was sorry about this, but that the City Council would not have any ability or

right to intervene or to take any action whatsoever concerning this matter.

President Russell inquired about the filing of the By-Laws with the City of Huntsville.

Mr. Joffrion stated that restrictive covenants were filed in the Madison County Probate Office. He stated that the Board might adopt its own By-Laws, but that these were approved by the membership of the Homeowners Association, which he noted was entirely private.

Ms. Jackie Reed again appeared before the Council, stating that she had two issues. She stated she would like to know who was responsible for putting the County Commission and all the meetings on Channel 42, noting that persons no longer saw that on there, any of the meetings, including the Zoning and Variance Board and the Metropolitan Planning Organization. She stated that she would like for someone to take charge and see if they could get that on there for the public.

Ms. Reed stated that she had not gotten all the answers she wanted on the downtown development matter. She stated that she understood this was a 50-year lease, with a 25-year option, which would make it 75 years. She asked if this was correct.

Mr. Joffrion stated that it was actually a 50-year lease with two renewal periods, and that it would be 99 years.

Ms. Reed asked if it was correct that the City would be building a parking garage for this project.

Mr. Joffrion replied in the negative, stating that the

developer would build the parking garage.

Ms. Reed stated that she would like to congratulate the Sealys and tell them that she would rather that it be them than anyone else if this had to be done, if the City was going to do it. She stated that the Sealys had done well on the Belk Lofts and that she wanted to congratulate them on that and tell them she had nothing against them as developers, that it was the Council that she held accountable to the public for the dollars that were being spent.

Mr. Jerry Cox again appeared before the Council, stating that, as persons were aware, the United States had been at war in Afghanistan for 13-plus years, and that during a long period of that time, he had come to the Council to speak and that he had always had a recognition of the soldiers, sailors, marines, and airmen who had been killed in that war. He stated that long before that, for many years, he had used other sources to try to keep the public aware and make the public concerned about these military personnel dying in Iraq and Afghanistan.

Mr. Cox stated that he wanted to report to the Council and to the public at this time that there had been no announced deaths of military personnel in Afghanistan nor Iraq since Christmas, when the President of the United States had announced the end of combat in Afghanistan, after 13 years. He continued that, however, for the week ending December 21, just before Christmas, two Army soldiers had been killed in action in Afghanistan. He stated that perhaps this would be the last

soldiers, airmen, marines, or sailors that would be killed in that war.

President Russell asked if there was anyone else who would like to address the Council.

Mr. Davis stated that he would like to address the Council one last time.

President Russell recognized Mr. Davis.

Mr. Davis stated that first he would like to thank the Council for trusting the Administration in what they did and supporting them. He stated that, as they advised everyone, they could bring great ideas, but the Council were the ones that would actually put them in action. He stated that his position allowed him to brief the Council and give these presentations, but that there was a large group of persons standing along the Council Chamber wall that had input into these projects, as well as the City Attorney, the Finance Director, the Planning Department, the Engineering Department, and various other employees. He stated that he just wanted to recognize these persons at this time and thank them.

President Russell asked if there was any other business to come before the Council.

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER