

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, NOVEMBER 20, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, November 20, 2014, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Pastor Robert Somerville, Awareness Ministries, led the invocation; President Russell led the pledge of allegiance.

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

The minutes of the Regular Meeting of the Council on November 6, 2014, were approved as submitted.

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

Councilman Kling read and introduced a resolution

recognizing Topper Birney for his devotion to the children and teachers of our great city and for lending his efforts and expertise to the many other organizations which he has assisted, for the betterment of all the citizens of our city and other local communities, as follows:

(RESOLUTION NO. 14-894)

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

President Russell recognized Councilman Kling.

Councilman Kling stated that it had been a privilege and a pleasure to work with Topper Birney on the School Board for the prior 12 years. He continued that there was a working relationship that existed between the respective City Council member and the School Board member of a district, even though the School Board was completely independent of the Council, noting that they were perceived under the Alabama State Constitution to be equal to the Council. He stated that anyone who believed he would be giving orders to Mr. Birney did not understand this, although Mr. Birney understood it very well, knowing that no City Council member could tell him what to do. He stated that, however, they had had a great working relationship for three terms and had done a lot of good things in neighborhoods throughout the city and in the district. He stated that schools were very important, the quality of schools, the involvement of parents in the schools, and the

PTA, PTSA organization. He stated that these things meant a lot.

Councilman Kling stated that one of the things Mr. Birney had worked for, which he noted was something that was appreciated from a neighborhood perspective, concerned the empty schools in West Huntsville. He stated that he certainly understood that empty schools were not good things, and that Mr. Birney had worked with Dr. Wardynski and others in the School System to find what he would call "good outcomes" for these schools.

Councilman Kling stated that West Huntsville Elementary School, which he noted was in the Lowe Mill neighborhood, was certainly one they were concerned about, because an empty school building, or one that was being underutilized, was something that would not be a good thing for the neighborhood. He continued that he appreciated very much what the Lowe Mill Neighborhood Association had done to improve their school and their neighborhood. He stated that Mr. Birney had worked on this to get a good outcome, and that the building had been sold, and the building was now on the tax rolls and was being used for a neighborhood-friendly usage.

Councilman Kling stated that, similarly, Stone Middle School had been sitting empty, noting that this was a concern for the neighborhoods that were located nearby. He stated that, again, Mr. Birney had done what he could to help with this, and that at this time there was a great outcome that was

under way, with the development of Stone Middle School, noting that it would be going on the tax rolls and would be vibrant and would bring attention to West Huntsville.

Councilman Kling stated that these were things that made up a good relationship.

Councilman Kling stated that Mr. Birney had graduated from Huntsville High School and then from the University of Alabama, with an engineering degree, noting that he had spent most of his working career at the Marshal Space Flight Center. He stated that he had been a community volunteer, serving numerous agencies, such as Chi-Ho, CASA, the Food Bank of North Alabama, and the HEALS Clinic, that he had driven the mobile soup van each month since its inception, and that he often tutored. He stated that he was a member of the South Huntsville Kiwanis Club, the Madison County Emergency Food and Shelter Board, the HEALS Board, and the First Christian Church. He continued that he had also worked at Lincoln Elementary School as a volunteer, and had later served as a substitute teacher, noting that this had assisted him in becoming aware of the problems that teachers faced in the classroom.

Councilman Kling stated that Mr. Birney had served on the City School Board for 12 years.

Councilman Kling presented a copy of the resolution to Mr. Birney, expressing appreciation for his service to the schools and to the city.

Mr. Birney expressed appreciation for the recognition,

stating that it had been a pleasure. He stated that hopefully he would be able to continue helping the city in other ways.

Councilman Kling read and introduced a resolution declaring the month of November 2014 as National Native American Heritage Month, as follows:

(RESOLUTION NO. 14-895)

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

President Russell recognized Councilman Kling.

Councilman Kling asked Mr. James Henley to stand. He stated that Mr. Henley had been a leader in the community for several years and had served on many boards and been involved in many things to help charities and the people who were not so fortunate. He stated that he was also the leader of the local community. He asked Mr. Henley if he would like to make a few comments at this time concerning the significance of the Native American heritage.

Mr. Henley appeared before the Council, expressing appreciation to Councilman Kling for this recognition. He thanked the Council members for their service to the City, noting that they did a fantastic job for everyone in the community.

Mr. Henley asked that everyone in the audience or on the podium that had Native American in their blood to please stand.

Several persons stood.

Mr. Henley stated that there were a lot of persons who were not aware they had Native American in them, noting that for awhile persons could not talk about it, could not own land or anything such as that. He stated that if persons ever found out they had this, they should be proud of it, that persons should always be proud of who they were, no matter what ethnicity they were, that they should always be proud of who they were and where they came from.

Councilman Kling presented the resolution to Mr. Henley, noting that it designated the month of November as National Native American Heritage Month. He continued that it encouraged all residents of the city to observe November 29, 2014, as Native American Heritage Day. He again thanked Mr. Henley for all he had done for the community.

President Russell stated that item 15.1 had been deleted from the agenda.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-755 rezoning property lying on the south side of Taylor Road and south of Terry Drake Road from Residence 2 District and Residence 2-B District to Residence 2-A District, which hearing was set at the October 9, 2014, Regular Council Meeting.

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

Ms. Nichols stated that this rezoning had been recommended by the Planning Commission. She continued that the property, which was highlighted in blue on the displayed map, was approximately 19.35 acres and was located on the south side of Taylor Road and south of Terry Drake Road. She stated that the current zoning was Residence 2 District and Residence 2-B District, and the proposed rezoning was Residence 2-A District, which she noted was consistent with the neighboring zoning. She stated that this would accommodate single-family as well as multi-family dwellings.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 14-755, rezoning property lying on the south side of Taylor Road and south of Terry Drake Road from Residence 2 District and Residence 2-B District to Residence 2-A District, which ordinance was introduced at the October 9, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-755)

Said motion was duly seconded by Councilman Kling.

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

There was no response.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 14-757, rezoning property lying on the north side of Governors Drive and the south side of St. Clair Avenue from Medical District to General Business C-3 District, which hearing was set at the October 9, 2014, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that this rezoning had been recommended by the Planning Commission. She continued that the property was approximately 2.80 acres and was located on the north side of Governors Drive and the south side of St. Clair Avenue. She stated that the current zoning was Medical District, and the proposed zoning was General Business C-3 District. She stated that the property owner was requesting this zoning because it matched the zoning adjacent to the property and would provide the property owner an opportunity to maximize land use opportunities for future development.

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

There was no response.

President Russell stated that the public hearing was

closed.

President Russell moved for approval of Ordinance No. 14-757, rezoning property lying on the north side of Governors Drive and the south side of St. Clair Avenue from Medical District to General Business C-3 District, which ordinance was introduced at the October 9, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-757)

Said motion was duly seconded by Councilman Kling.

President Russell asked Ms. Nichols for an explanation as to what would go into a C-3 District.

Ms. Nichols stated that the C-3 District was similar to the zoning of the surrounding property downtown, located north of this area. She stated that this included a variety of commercial uses, including office uses, restaurants, any type of office complex, as well as residential usage with commercial on the ground floor. She continued that the Medical District zoning was mainly for medical uses only.

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

There was no response.

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

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing

the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties.

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

Mr. Benion stated that the resolution identified 65 properties that were in violation of the City's grass and weed ordinance, noting that the properties were identified on Attachment A by the owner and location of the properties. He stated that the owners had received written notification, by regular mail, that they were in violation of the ordinance and were given 14 days to correct the violations. He stated that all owners had failed to respond and that Community Development had issued work orders to cut these properties, at a total cost of \$14,589.78 and an average cost of \$224.45. He stated that Attachment A also identified the date and cost of cutting the properties. He stated that the owners had received a written request, by regular mail, for payment and had failed to respond.

Mr. Benion requested that property assessments be placed on these properties in order to collect the costs. He stated that the owners had been notified of this proposed action and might wish to speak at this time.

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

There was no response.

President Russell stated that the public hearing was closed.

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

(RESOLUTION NO. 14-896)

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

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

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.

President Russell stated that persons who wished to speak would have three minutes to address the Council.

Mr. Rusty Loiselle, 12004 Hearthstone Circle, appeared before the Council, stating that he was with Help the Homeless Veterans. He stated that at this time he would like to thank Councilman Kling for opening the dialogue concerning the surplus bicycles that were possibly going to be given to the homeless so that they would be able to fix these bicycles and have a mode of transportation to get back and forth to

potential jobs. He stated that they were working with Chief Morris on this and were anxiously awaiting this to happen.

Mr. Loiselle stated that he would like to thank Mayor Battle, John Hamilton, and others for sitting down with his group a few weeks prior and opening a discussion about the potential for the land for the Tiny Homes through the Foundations for Tomorrow. He stated that they did not know if this would happen or not but at least they were talking.

Mr. Loiselle stated that his group was appearing before the Council at this time mostly for the Tiny Homes Project, through Foundations for Tomorrow, with Nicky Beale. He stated that this was a wonderful project, although he was aware there were some service providers who wanted to demonize this for one reason or another. He stated that he was not sure why this was, noting that one would think that everyone would want to jump on board in an effort to help some of the homeless persons who were living in cardboard boxes and less than adequate tents. He stated that these persons could be in a small, hard structure so they would not have to worry about whether a limb was going to come down and crush them at night in the woods, or worry about the raccoons that would be tearing into their food, that they would be able to lock their doors and lock up the small amount of possessions they had.

Mr. Loiselle stated that these tiny homes were only 120 square feet but they were insulated, they were well built.

He continued that some persons had stated that they would burn to the ground, but he felt that this was just being thrown out to demonize this project. He stated that these homes were very solid.

Mr. Loiselles stated that once a person was given a step up to getting back into productive society, with that step up being a hard structure, as opposed to a tent or a cardboard box, this would ease the person's mind somewhat and allow them to think more clearly, that it would allow them to say that perhaps they could do something.

Mr. Loiselles stated that this was not a solution for homelessness, that no one had ever said it was, but that it was an act of compassion for those who had so much less than others. He stated that they merely wanted to help these people make that step up the ladder rather than trying to jump to the top, into housing. He continued that at this time there were more than 1,000 homeless persons on the list for housing. He stated that it had been said that these persons needed to be analyzed first. He continued that there was not a lack of available housing. He asked why they would not put these persons into housing and then analyze them.

Ms. Nicky Beale, 2527 Marjorie Lane, appeared before the Council, stating that she was the founder of Foundations for Tomorrow, which was building the Tiny Homes for the Homeless. She stated that the first one they had built was parked out in front of the Municipal Building at this time. She stated that

they had had a lot of community support on this project, noting that she had wanted to have the first one built by Christmas, but there would be two built by Thanksgiving, and that there were three in the works. She stated that they had just started raising private donations and that within two weeks they had a supplier who had agreed to provide all the materials for the first 30 homes, and that she had the labor donated for at least the first five homes, if not more. She stated that currently all she had to pay for were the trailers for the homes, noting that the reason they had to keep them on trailers was because they did not have the land on which to permanently place them at this time.

Ms. Beale stated that her group was aware that there were zoning and ordinance issues, noting that they had spoken with Mr. Hamilton about the land, and that he had mentioned they would try and work through these issues. She stated that they were also working with other communities nationwide who had already implemented this solution to see what work-arounds they had done concerning the zoning issues. She stated that they would like to get back in touch with the Council and the Administration to see what their options would be for land for these homes. She stated that they would continue to build them and that it would be up to the City as to whether they could allow the homeless to live in them.

Ms. Beale stated that they wanted to allow the homeless to have a place to go inside and get warm. She asked that persons

take a look at the Tiny Home, which she reiterated was parked in front of the building. She stated that persons would see a difference in temperature in just being in a hardened structure versus being in a tent outside.

Ms. Michelle McMullen, 2008 7th Avenue, appeared before the Council, stating that her group had concerns about agenda items 15.b, Ordinance No. 14-917, and 15.c, Resolution No. 14-918, and asked that these items be held for clarification on size, location, and proposed usage. She stated that the City web site did not give enough information to check this out and that the map did not specify exactly where the property was located. She stated that in light of Councilman Showers' absence from a vote that would impact his district, she was asking that the Council delay voting on this matter at this time. She stated that she had first seen the agenda on the prior evening and had been attempting to get information concerning this matter since that time. She asked that no matter what the explanation would be of these items, the votes on them be delayed.

Ms. McMullen stated she had been told that this was a very small piece of property that the proposed owner wanted to add to an adjacent warehouse property. She stated that they would like to see this for themselves and to talk to Councilman Showers when he returned to the city. She continued that she believed he needed to be heard on this matter. She stated that the property was in Councilman Showers' district

but it also impacted Councilman Kling's district, as well, and would have a possible impact on Terry Heights, Hillandale, and Lowe Mill Village.

Ms. McMullen stated that whether or not this property was connected to the interest in building Tiny Homes or a homeless campground, they were also concerned about this matter, as well. She continued that they needed reassurance that this property was not being considered for this usage. She stated that they wanted to go on record in opposition to any Tiny Homes being located anywhere near Lowe Mill Village. She stated that they had been subjected to enough inappropriate development for too many decades, and this was why their community was in such horrible shape. She stated that enough was enough. She stated that there were other places in the city where this could go. She stated that no matter how well-intentioned persons might be on this subject, it was ill-conceived, at best, and that from everything they had heard so far, it would cause a harmful impact to the surrounding community.

Ms. McMullen stated that this area had suffered from too many private and well-intentioned government-driven projects for far too long and was just beginning to recover. She stated that they were excited about the business incubator at West Huntsville Elementary School and also excited about Brewery Row. She stated that they could not survive any further negative impact, noting that if the Tiny Homes were

allowed anywhere near this neighborhood, it would damage any positive revitalization, their safety, and property values. She continued that Brewery Row would turn into Skid Row.

Ms. McMullen again asked the Council to delay a vote on item 15.b, Ordinance No. 14-917, and 15.c, Resolution No. 14-918, until Councilman Showers was back and her group was comfortable with what was being proposed.

Mr. Taylor Reed, 102 Waterbury Drive, Harvest, appeared before the Council, stating that he was a student at UAH, and was president of Phi Kappa Psi, and that his group had been working with Ms. Beale to provide funding, as well as labor and materials, to make the Tiny Homes project happen. He stated that they realized the groundwork was not complete, that there was not land, and there were problems. He stated that there were always going to be problems with anything such as this. He stated that he believed the message to take away at this time was that in one day they had gotten a house built.

Mr. Reed stated that persons were contacting him from cities from all over the nation, wanting to help out with this project. He stated that he did not know exactly how this was going to happen, that maybe it was a Tiny Home, or maybe something else the City was working with, but stated that this effort showed that there were persons who wanted to help. He stated that he had had contacts from 80-year-old women who could not get out there and build houses but they could quilt, and they were quilting quilts for the homeless men and women in

the community.

Mr. Reed stated that his group was willing to help in any way, in whatever way the City would decide was okay, noting that they wanted to make this happen. He stated that building the house showed that whatever they set in their minds, the community would come together and make it happen. He stated that persons wanted to help, that he wanted to help. He stated that persons were not in love with Tiny Homes, that they were in love with people. He stated that they were in love with the homeless, they were in love with people, that they were in love with the community and wanted to see persons off the street. He stated that that was all they wanted and that they could make it happen.

Mr. Reed stated that he knew the Councilpersons and the Administration were up there for a reason. He continued that he was in college learning, and that everyone in the room could do something to help the community, whether it would be through Tiny Homes or whatever persons might want to call it. He stated that he believed this effort went to show that there were persons who were willing to help and there were resources that were not being used. He stated that persons were coming forward from all over the nation, wanting to help Huntsville, and that whatever way they had to make it happen, he believed they could help the homeless in Huntsville.

Mr. Reed stated that his group was ready to work, that they had the willpower and they were young, that they could do

whatever. He stated that they were going to work with the City, that they were going to find a way and get it all done. He stated that they would not give up, that he believed they could help the homeless, help everybody, that everybody could benefit, however it would be done.

Pastor T.C. Johnson, 1800 Sparkman Drive, appeared before the Council, stating that he had been studying the case where the young man had been killed by the policeman, and that he wanted to applaud the Police Department for the manner in which this had been handled, the sensitivity in telling the family, the real compassion that had been shown in dealing with this situation. He stated that he had called Chief Morris and thanked him for this.

Pastor Johnson stated that when he had been looking through the City payroll, he had questioned Chief Morris's salary, at his department level, with 36 years, as compared to the salaries of other department heads. He stated that he would like for the Council members to look at this, noting that this did not look right to him. He stated that his pay was substantially lower than the pay of other department heads, and his department was a department that helped the city. He stated that he would like to understand why the Chief's pay, with 36 years of service and a master's degree, was so much lower than other persons who had not been working for the City for that length of time.

Pastor Johnson stated that another thing he had noted in

looking through the payroll was that there was a job called "Sanitary Engineer," and that this position was paid a lot. He stated that he would not call any names concerning this, but he would like to have this looked into. He asked if someone could tell him what a "Sanitary Engineer" was, noting that if that was the general pay for a Sanitary Engineer, he had missed his calling, especially with two years on the job site.

Pastor Johnson stated that he would again like to thank the Chief of Police for the way the case he had mentioned previously had been handled, as an example for places such as Ferguson. He stated that Chief Morris had been sensitive and transparent, and that he had reached out into the community to get feedback, and when the matter had been handled, it had been handled with the greatest care and the greatest sympathy. He stated that the citizens should be proud of the Police Department for the manner in which that particular case had been handled.

President Russell asked Mr. Byron Thomas, Director of Human Resources, to come to the microphone.

Mr. Thomas appeared at the microphone.

President Russell stated to Mr. Thomas that Pastor Johnson had asked for the job description for a Sanitary Engineer.

Mr. Thomas stated that this was an engineering position in the Water Pollution Control Department, noting that it had a P.E. requirement. He stated that he believed this could be better explained by Randall Stewart of that department.

Mr. Stewart appeared before the Council, stating that a Sanitary Engineer was over the overall collection system throughout the city of Huntsville. He continued that this required an engineering degree and various years of experience.

Ms. Jackie Reed appeared before the Council, stating that she had not been in attendance at the prior Council meeting and that she appreciated the Council members missing her. She stated that they had changed the date of the meeting and she had forgotten about it. She asked that they announce at this meeting when the next Council meeting would be.

Ms. Reed stated that she would like to thank them for holding off on all the celebrations around the courthouse until after 5 o'clock, noting that persons needed to be able to get into the courthouse.

Ms. Reed stated to Councilman Kling that she wished he would get concerned about Butler High School closing, noting that, however, she realized that was not in his district at this time.

Ms. Reed stated that traffic in the city was ridiculous, noting that traffic was virtually impossible in any direction from the city. She stated that rather than continuing to develop and give the city away to the developers, they should do the infrastructure and then start development. She stated that if they continued with what they were doing, there would be a problem downtown.

Ms. Reed stated that the Holiday Inn was one of her pet

peeves, noting that there would be a 99-year lease. She continued that they surely needed to see a psychiatrist if they were going to give that land away. She asked how much they had paid for this land and asked which of the Council members would be able to answer this. She asked Councilman Kling if he remembered this.

Ms. Reed inquired as to whether they were going to tear down the building for the developers of this property, noting that the City had already given them a \$247,000 asbestos deal. She stated that the taxpayers could not pay for everything, noting that later on they would be tearing down the Aquatic Center and the Scruggs Center and would be narrowing Williams Avenue. She asked what all they were going to do for this developer. She asked why they had not held some work sessions concerning this matter. She stated that the developer would be paying \$144,000 a year for 99 years. She reiterated that they should hold some work sessions concerning this matter and let the public know what was going on, what they were thinking, if they were thinking. She stated that if anyone knew about this, they should tell her about it.

Councilman Kling stated that he would like to pass on some information concerning this matter. He stated that he believed everyone was concerned about what might or might not happen to Butler High School. He stated that even though it was not located within the district he represented, per se, it certainly impacted his area. He stated that he had had a

couple of conversations concerning this with Dr. Wardynski and Mr. Topper Birney. He stated that if Butler were to be closed, this was a decision that would be made by the School Board, not by the City Council. He stated that Dr. Wardynski had assured him that there was already something in the works so that Butler would not be a deserted, empty school for a long period of time, but would be put to a viable use that would be a positive for the neighborhood. He continued that this would be if the school were to be closed.

Councilman Kling stated, concerning the Hilton property, that he was in college when the City had purchased The Hilton. He stated that that was constructed in the 1970's. He stated that he believed what Ms. Reed had meant to say was when the City had taken over this property.

Councilman Kling stated that when this development had come up, what he had looked at was what would be the return for the taxpayers. He stated that they were not trying to be nice people concerning this and do deals just to make the developers happy, that they were looking at matters in the interest of the taxpayers. He stated that he was not an expert concerning this, but that he had been told the building was in pretty bad shape and that it would be cheaper to demolish it than to reconfigure it. He stated that the sales tax and the property tax on the development, which he noted would be a 70 or 80 million dollar development when completed, would be money that would be coming in to pay back what they were putting into this

matter. He stated that they were not doing anyone a favor, that they were looking at what would bring revenue into the city.

Councilman Kling stated that someone certainly must be doing something right because the City had a AAA bond rating and was in the top 6 or 7 percent as far as municipalities around the country. He stated that Ms. Reed could say they were doing all these deals with the developers but noted that they were attempting to do deals that would provide a good return to the taxpayers and bring in sales tax and property tax revenue.

Ms. Sherrie Saunders, 6231 East Upper River Road, Somerville, appeared before the Council, stating that she would like to speak concerning the Tiny Homes. She stated that on the prior day, there had been 20 persons, at least, if not more, that were present to assist with the Tiny Homes, noting that these persons had no kind of construction experience or experience concerning homelessness. She stated that what she had seen were individuals who had come together with an idea and within five months had implemented this idea.

Ms. Saunders stated that she would like to thank Nicky Beale and Taylor Reed for proving to the City of Huntsville and its constituents that a single person could come up with an idea and pull together others into that idea and see that it would happen.

Ms. Saunders stated that there was a man named

Anthony Clark, who was 49 years old, and that Sandra Childers of Operation Stand Down Huntsville had asked her three weeks prior to find a place for Mr. Clark, noting that he was a veteran. She stated that during this time she had called all over the state of Alabama, using contacts she had through the Committee to Protect the Homeless, and that everyone was full. She stated that for three weeks she had answered texts and phone calls from this individual, and that it broke her heart. She continued that on the prior day, she had built a house, along with 20 other persons who had shown up to give.

Ms. Saunders stated that she wanted the City of Huntsville to understand that they had an opportunity to build off of this. She stated that there were going to be persons who did not support this idea but that she did not see anything else coming out of the City, or out of any of the non-profits she had seen work for the homeless, that had made such an impact as what this group had done in five months. She stated that the material had been donated, and that there had been several opportunities on the prior day for some training, noting that she was a contractor. She stated that she did not believe they were going to have any problem putting the remainder of these homes together.

Ms. Saunders stated that what had been done was amazing and that she wanted everybody to understand what she had seen. She stated that in cities across the country, persons were coming together and putting these Tiny Homes in the cities.

She stated that she had not received any information that having a Tiny Home community in a city would create havoc on real estate, and that prices would not go crazy.

Ms. Saunders stated that she did understand that the earlier speaker had not wanted unsightly and unseemly persons in her neighborhood. She stated that no one did, and that this was the reason they wanted to put them in a nice-looking house, such as they had built the previous day.

Ms. Saunders stated that she was not going to stop assisting persons in their dreams to help others, that she was going to assist Nicky Beale and Taylor Reed with anything they needed. She stated that what she wanted to state to the Council was that in five months, Ms. Beale had put this together, on her own, and that everything was paid for, that it had not cost the City a dime, but they needed one acre of land. She asked that they see if they could make this happen. She continued that she could not stand answering the phone when Mr. Clark called her twice a day, knowing that she could not give him a home because everyone was full.

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Tri-Party agreement among TVA, the City of Huntsville, and PPG Industries, allowing PPG Industries to participate in the Valley Investment Initiative (VII) (Utilities: Electric), as follows:

(RESOLUTION NO. 14-897)

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

President Russell asked Mr. Joe Gehrdes of Huntsville Utilities for an explanation of the above resolution.

Mr. Gehrdes stated that the Valley Investment Initiative was an economic development tool of TVA that they offered to certain types of consumers with participating local power companies, of which Huntsville Utilities was one. He continued that each agreement was unique, that it was based upon the characteristics of the business, what type of business an entity was doing, how many persons they employed, what their assets were, and what their plans were. He stated that they based the incentive on these factors. He stated that he could not comment on the specifics of this particular agreement but that what he had just iterated was what these agreements were about. He continued that the idea was for these companies to continue investing in the valley and to attract more industry and commercial accounts into the area.

President Russell asked if there was any further discussion of the 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 read and introduced a resolution authorizing approval to purchase Bentley license and support for software (PR 10167317) (Utilities: Electric), as follows:

(RESOLUTION NO. 14-898)

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

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

Mr. Gehrdes stated that this was a continuing agreement with Bentley, whom he stated provided them with mapping and engineering design CAD software.

President Russell asked Mr. Gehrdes if this software would help them locate where fiber optics needed to go, things such as this.

Mr. Gehrdes stated that this resolution concerned the design side, that the next resolution concerned what President Russell was referring to.

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

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 read and introduced a resolution authorizing approval to purchase Intergraph license and support

for software (PR 10167318) (Utilities: Electric), as follows:

(RESOLUTION NO. 14-899)

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

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

Mr. Gehrdes stated that, as President Russell had mentioned, this software concerned locating services in the field so that they would know where their assets were.

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

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 Appointments to Be Voted On.

President Russell read and introduced a resolution to reappoint Susan J. Phelan to the Huntsville Ice Skating Complex Board of Control, for a term to expire November 20, 2016, as follows:

(RESOLUTION NO. 14-900)

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 a resolution to appoint Patricia Moriarty to the Madison County Department of Human Resources Board, Place 7, for a term to expire August 1, 2015, as follows:

(RESOLUTION NO. 14-901)

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

Councilman Kling read and introduced a resolution to appoint Dr. Olye Conley to the Historical Preservation Authority, for a term to expire June 3, 2020, as follows:

(RESOLUTION NO. 14-902)

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

President Russell asked if there were any Board Appointment Nominations.

There was no response.

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

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

(RESOLUTION NO. 14-903)

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

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

Councilman Kling replied in the negative.

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

President Russell recognized Mayor Battle.

Mayor Battle stated that it was going to be a busy time over the upcoming two weeks. He stated that they would be opening the Ice Skating Park, located behind the Museum of Art, on the following day at 3 p.m.

Mayor Battle stated that the Rocket City Chili Cook-off, benefitting the Children's Advocacy Center, would be held on the following Saturday from 11 a.m. to 3 p.m., at the Clinton Avenue parking garage.

Mayor Battle stated that Santa's Village would be opening on November 28 and would run through December 23, from 5 p.m. until 9 p.m.

Mayor Battle stated that the Galaxy of Lights would commence on Thanksgiving and go through January 3, from 5:30 p.m. to 9:00 p.m.

Mayor Battle stated that the trees were going up in the park for Tinsel Trail, that things were beginning to look a lot like the holidays.

Mayor Battle urged the citizens to watch all the activities that were going on. He wished everyone a Happy Thanksgiving and a wonderful holiday season.

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

President Russell recognized Councilman Culver.

Councilman Culver stated that he would also like to wish everyone a Happy Thanksgiving and a Happy Holiday season.

Councilman Culver stated that the Macedonia Primitive Baptist Church would be hosting a Feed the Homeless event on the following Saturday, sponsored by the church pastor, Ananias Green, and himself. He stated that he would be picking up several bus loads of persons from the various missions in the city, and not only would they be feeding the homeless but also providing them with care packages. He stated that if persons would like to volunteer to help with this endeavor, they would certainly be welcomed. He stated that they had been holding this event for the prior four or five years, since he had been serving on the Council.

Councilman Kling stated that this had been a very somber day for him, noting that a good friend of his, Rufus Hartman, had passed away earlier in the week, and the service had been earlier in the day. He stated that Mr. Hartman was married to a former City employee and was a friend he had known for almost 30 years. He stated that he would certainly be missed.

Councilman Kling thanked the persons who had attended his town meeting on the previous Monday evening, noting that they had had a lively session. He stated that a representative of Huntsville Utilities, Gary Whitley, had done a great job in

dealing with the concerns persons had. He asked Mr. Gehrdes to pass along that he certainly appreciated the good work he had done providing assistance at this meeting.

Councilman Kling wished everyone a good Thanksgiving, noting that everyone should be thankful for what they had.

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

President Russell reiterated that item 15.1 on the agenda had been deleted.

President Russell read and introduced a resolution authorizing the City Attorney to pay the claim of Blue Family Holdings, LLC, as follows:

(RESOLUTION NO. 14-904)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 362000834003 for Legendwood Subdivision, as follows:

(RESOLUTION NO. 14-905)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke First Commercial Bank

Letter of Credit No. 1019 for Oakhurst 4th Addition
Subdivision, as follows:

(RESOLUTION NO. 14-906)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke The Travelers Indemnity Co. Bond No. BE0931542 for Stonemark Subdivision, as follows:

(RESOLUTION NO. 14-907)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an amended agreement between the City of Huntsville and the Huntsville Housing Authority for the provisions of alternate police services, as follows:

(RESOLUTION NO. 14-908)

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

President Russell moved for approval of a request for authorization to advertise and fill one (1) Landscape Maintenance Lead Worker, which motion was duly seconded by Councilman Culver and was unanimously approved by the Council

members present.

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

(ORDINANCE NO. 14-909)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Culver 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. 14-910)

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

President Russell moved for approval of a request for approval to advertise and fill two (2) Regular, Full-time positions of Animal Services Shelter Attendant, Grade 8, which motion was duly seconded by Councilman Culver and was unanimously approved by the Council members present.

Councilman Culver read and introduced a resolution authorizing the Mayor to execute a Subordination Agreement to the Environmental Covenant granted to the Alabama Department of Environmental Management by Clarkston Square, LP, as follows:

(RESOLUTION NO. 14-911)

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

and was unanimously adopted by the Council members present.

President Russell read and introduced A Resolution authorizing the Mayor to enter into an Agreement with Ross Ivey for assistance in preparing the 2015-2020 HUD Consolidated Plan Preparation and Analysis of Impediments Plan, as follows:

(RESOLUTION NO. 14-912)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a License Agreement between the City of Huntsville and Downtown Huntsville, Inc., as follows:

(RESOLUTION NO. 14-913)

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

President Russell read and introduced an ordinance declaring certain property as surplus and authorizing the Mayor and the City Clerk-Treasurer to dispose of the identified surplus equipment, located at 101 Church Street, Suite 201, for recycling, per agreement with Mars, LLC, as follows:

(ORDINANCE NO. 14-914)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Culver 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 low bidder, Reed Contracting Services, Inc., for Governors West Roadway Improvements, Base Bid and Option No. 1, Project No. 65-14-RD12, as follows:

(RESOLUTION NO. 14-915)

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

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

(ORDINANCE NO. 14-916)

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

President Russell read and introduced Ordinance No. 14-917, declaring real property described as Lot 3 of Block 3, Second Clinton Addition to the City of Huntsville, as surplus and no longer needed for a municipal purpose.

President Russell moved for approval of the above ordinance.

Said motion was duly seconded by Councilman Culver.

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

Mr. Joffrion stated that the subject item and the following item on the agenda were related. He stated that they concerned a lot on Hall Street, owned by the City of Huntsville. He stated that there was an easement that ran through the middle of this lot and that the lot could be used only for parking, and that the adjoining property owner wanted to buy it for that purpose. He stated that the property could not be developed.

President Russell stated that he had spoken with Councilman Showers earlier in the day, and he had not mentioned holding this item. He continued that, however, Ms. McMullen had asked them to hold it. He asked the Council members if they would like to hold this item.

Councilman Kling moved to postpone consideration of Ordinance No. 14-917 until the next regular meeting of the Council, on December 4, 2014, which motion was duly seconded by Councilman Culver and was unanimously approved by the Council members present.

President Russell read and introduced Resolution No. 14-918, authorizing the Mayor to execute a Purchase Agreement between the City of Huntsville and George J. King and wife, Shannon L. King, for purchase of real property described as Lot 3 of Block 3, Second Clinton Addition to the City of Huntsville.

President Russell moved for approval of the above resolution.

Said motion was duly seconded by Councilman Kling.

President Russell moved to postpone consideration of Resolution No. 14-918 until the next regular meeting of the Council, on December 4, 2014, which motion was duly seconded by Councilman Kling and was unanimously approved by the Council members present.

President Russell read and introduced Resolution No. 14-919, authorizing the Mayor to enter into agreements with the low bidders meeting specifications as outlined in the attached Summary of Bids for Acceptance.

President Russell moved for approval of the above resolution.

Said motion was duly seconded by Councilman Culver.

President Russell stated that both Councilman Showers and Councilwoman Robinson had contacted him and asked that this resolution be held until the next regular meeting of the Council.

President Russell moved to postpone consideration of Resolution No. 14-919 until the next regular meeting of the Council, on December 4, 2014, which motion was duly seconded by Councilman Culver and was unanimously approved by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute documents related to the SEC MCDC initiative, as follows:

(RESOLUTION NO. 14-920)

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

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

Mr. Taylor stated that the Securities and Exchange Commission had a program called "The Municipal Compliance Disclosure Cooperative Initiative," and that this was a program by which they were asking municipal issuers, such as the City of Huntsville, who issued debt, to look at all of their reporting obligations over the past five years and decide if there was anything they should have reported that they did not report. He continued that this was a voluntary reporting program.

Mr. Taylor stated that the deadline for filing this was December 1. He stated that they were not sure if the City would be filing under this program, noting that they did not have any material issues that they knew they needed to report. He stated that, however, if they were to decide they needed to do this, the Mayor would have to be authorized to do this and enter into any agreements or sign any documents that might be required pertaining to this. He stated that this would be the last Council meeting before the time they would have to decide whether or not they needed to do this. He reiterated that the Mayor would need the Council's authorization if they decided to participate in the program and stated that it would be in the

City's best interest to do this.

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

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

President Russell read and introduced an ordinance authorizing the vacation of a 15-foot Utility and Drainage Easement, Lot 15, Grand Highlands Estates Phase 3 (Hideaways, LLC: Muirwoods Dr.), as follows:

(ORDINANCE NO. 14-921)

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

President Russell read and introduced an ordinance authorizing the vacation of a Utility and Drainage Easement, Lots 133-134, Olde Cobblestone Phase 4 (Covington & Co.: Stonewalk Lane), as follows:

(ORDINANCE NO. 14-922)

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 consenting to the vacation of a right-of-way, J.C. McDonald Addition, formerly known as Stone School, as follows:

(RESOLUTION NO. 14-923)

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

President Russell read and introduced an ordinance authorizing the vacation of right-of-way, J.C. McDonald Addition, formerly known as Stone School, as follows:

(ORDINANCE NO. 14-924)

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.

Councilman Kling stated that since they were carrying items over until the next regular meeting of the Council, he believed it might be helpful to mention the date of this meeting, which he noted would be Thursday, December 4.

President Russell stated that it was correct that the next meeting of the Council would be on December 4, and noted that December 18 would be the second meeting of the Council in December. He stated that this had been advertised in The Huntsville Times and they had put out as much information as they could on it, so that hopefully everyone was aware of this.

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

Ms. Jackie Reed again appeared before the Council, stating that she appreciated them stating when the next Council meeting would be. She stated that if one did miss the Council meeting

on Thursday evenings, they were re-run on the following Monday evening.

Ms. Reed stated that she again wanted to comment on the property at the Holiday Inn. She stated that she believed Councilman Kling had been sitting on the Council when this property was purchased from the Holiday Inn. She reiterated that the City had purchased the property from the Holiday Inn. She asked if this was correct. She stated that no one ever wanted to answer any of her questions when she asked them, but they answered other persons' questions.

Ms. Reed stated that the City had paid \$6.8 million for that property, without the building, supposedly, according to past Councilman Glenn Watson. She stated that he had said that they did not buy the building with the property, supposedly. She stated that she had never heard of such a thing, and that she had a real estate license. She stated that, however, that was what they had done, that they had bought that property for \$6.8 million. She continued that now they were valuing it at \$2.8 million, or at least some of them did. She stated that she wondered if they were even aware of how much they had paid for it.

Ms. Reed stated that she was in favor of the big developers laying some money on the table for developments such as this. She stated that it would take 99 years to get back the money they were talking about. She continued that, also, they were going to landscape the property.

Ms. Reed reiterated that none of her questions had been answered and asked what they were going to do, if they were going to tear the building down. She stated that, also, they were going to narrow Williams Avenue. She stated that downtown was already a mess, that traffic was a mess.

Ms. Reed stated that, also, she was not through with the Stone Middle School property, as to how much the City had paid to tear that down.

Ms. Reed stated that they could give the City employees only a one-percent raise, and they kept going back and borrowing money and giving land away to the developers. She asked the Council members how they got elected. She continued that she did not want them to answer that, that she did not want to hear it.

President Russell asked Mr. Joffrion when he expected the developmental agreement on the Holiday Inn property to be brought to the Council.

Mr. Joffrion stated that, hopefully, it would be before Christmas.

President Russell stated to Ms. Reed that this agreement had not been finalized and brought to the Council, so that the Council members did not know what was going to be in it, and that was the reason they could not answer her questions.

Councilman Kling stated that he recalled that the amount of the purchase of this property had been somewhere around \$6 million, and that if Ms. Reed stated it was \$6.8 million, he

would go with that figure. He stated that the property tax on the property, at \$6.8 million, versus the property tax on the development when it would be completed, at approximately \$70 million, was what had to be taken into consideration. He continued that that differential in the property tax, plus some new sales tax, was how this matter would work.

Councilman Kling stated that he was just trying to provide what information he could at this time.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that he wanted to remind everyone of the greatest opportunity of all the things going on in the city at this time, which was to ride the Santa Train. He stated that persons should go out to the North Alabama Railroad Museum on Chase Road, on December 6 and 7, and bring their kids or grandkids, or if persons did not have a kid, they could go down to a homeless shelter and get one and take them out, and that persons could ride the train, which he noted was very comfortable, with heat and wonderful seats, and talk to Santa Claus and get a treat.

Mr. Cox stated that since the Council was so much in love with the State law that let them manage Huntsville Utilities, he had a couple of questions. He stated that there had been no reduction in the gas rate in at least the last 14 months, yet natural gas, as well as oil prices, had fallen significantly. He asked why the persons who utilized Huntsville Utilities were not seeing the benefit of these major reductions in natural gas

prices.

Mr. Cox stated that in October, the water availability charge had gone up 19.13 percent. He stated that he had supported the three-tier rate increase, but that he did not believe, at least from the information that was available to him, that anywhere in this did it talk about the availability charge going up so drastically. He stated that the rate on the usage he was aware of, noting that the people could control how much water they used, so that they could somewhat control their bill. He continued that persons had no way of controlling a 19.13 percent increase in the water availability charge.

Mr. Cox stated that when he had paid his October bill on November 4, he had added \$3.50 for Project Share, for the Salvation Army, to give to elderly people who needed help in paying for their utilities. He stated that, however, this donation was listed on his November bill as a negative balance forward, and his November bill had been reduced by \$3.50, so that, therefore, he was the recipient of the \$3.50 that he had given to help someone else, because apparently the clerks at Huntsville Utilities did not know how to handle Project Share donations. He stated that this was not the first time this had happened to him.

Mr. Cox stated that if the Council was going to manage Huntsville Utilities, there were three items for them.

President Russell stated to Mr. Cox that he could not furnish him answers to any of the three items he had presented

but that he would find out this information for him.

Councilman Kling stated that Mr. Gehrdes from Huntsville Utilities was still present and asked if he might be able to provide answers to Mr. Cox. He stated that he felt Mr. Cox's question about the rates, as to whether they would be decreasing, was a very provoking question, since the natural gas rates had dropped.

Mr. Gehrdes stated that he could not answer that question, but that he would definitely look into it. He stated that they had done a lot of work to secure the lowest rate possible, but that they did buy natural gas on the open market, just as any other natural gas utility did. He stated that he would try to get some answers for Mr. Cox concerning this.

Mr. Gehrdes stated, concerning the availability charges, that they were a part of the fee increase package that Huntsville Utilities had brought forth in 2012. He stated that the reason they went heavier on the availability rates had to do with the capital cost of providing water utility to all their customers. He stated that, unfortunately, the utility business was capital intensive. He continued that they had to have pipe in the ground no matter how much water customers were using. He continued that this was a change in rate structure that would be found industrywide. He stated that they were aware customers did not like this, but that it was just a fact of the business they did.

Mr. Gehrdes stated to Mr. Cox that concerning Project

Share, he would look into it directly the first thing the following morning, and they would get that fixed.

Ms. Michelle McMullen again appeared before the Council, thanking them for holding items 15.b, Ordinance No. 14-917, and 15.c, Resolution No. 14-918, and understanding the group's concerns about this. She stated that she felt everything would be fine, but noted she had already received several text messages and phone calls concerning this, and that she wanted to be able to reassure them on this matter.

Mr. James Butler, 7205 Whitesburg Drive, appeared before the Council, stating that he had left a handout at the prior meeting of the Council for each member of the Council and that he hoped they had looked at it. He stated that the significant page was page 3, and that what it showed was two ways to carve up a bail bond. He stated that his son had been put on trial for a week. He continued that they had made a serious mistake in fifth-grade arithmetic and had called him guilty and had given him 25 years on each count and sent him over to Limestone prison. He reiterated that they had gotten the math wrong. He stated that if it had been looked through, like an appeal, they would have reversed several Alabama judges that had been imported into the City because the local judges did not want to be involved in the case, noting that they probably were aware that it was a frame-up.

Mr. Butler stated that he had brought extra copies of his handout if they were needed. He stated that the reason for

these handouts was so that they could sing from the same sheet of music. He stated that his intention was to poll the members of the Council, noting that at the bottom of the sheet it said "Choose A or B." He stated that the Alabama judiciary, from the bottom all the way to the top, through the Supreme Court, and the Alabama Bar, had chosen "B."

President Russell stated to Mr. Butler that he hated to interrupt him, but noted that his time was up. He asked if he needed an additional minute. He stated that the Council was not exactly sure what he wanted them to do. He stated that they had listened to him and understood his problem, and he asked if he wanted them to do something for him.

Mr. Butler stated that he wanted the Council members to read the handout and then select "A" or "B."

President Russell stated that the Council members were certainly free to talk to Mr. Butler at any time they would like but that his question was not an appropriate question to ask of the Council members.

Mr. Butler stated that that was amazing.

Councilman Culver asked Mr. Butler which page of the handout he was referring to.

Mr. Butler stated that it was page No. 3.

Mr. Butler stated that he could go to the Circuit Court and file a suit against Jane Smith and be in front of a judge about what they had pulled, the exculpatory omissions, et cetera, and throwing away motions they had filed, so that

the imported judges never had the opportunity to see them. He stated that they had gotten worse than a raw deal.

President Russell stated to Mr. Butler that the Council members understood that he did not agree with what the Court had ruled, and that they were listening to him but were not sure what he wanted them to do. He asked if there was anything that Mr. Butler could ask them to do that they might be able to do for him.

Mr. Butler stated that they had done Municipal bonds as well as County bonds, and they had tried them only on County bonds. He stated that if one looked at the manner in which Municipal bonds were calculated, they should have had an input back when this matter was happening. He stated that he just could not let this go.

Councilman Kling stated to Mr. Butler that he could not grasp what Mr. Butler must be feeling about this matter, but that he certainly wanted him to know that he respected and understood his concern and what he must be going through with this. He stated that the question he had concerned jurisdiction. He asked if they could ask Mr. Joffrion to look into this and give them a report as to whether there was any jurisdiction that City government had concerning this matter or if this would all be under the jurisdiction of the County government, noting that the County government was separate from the City government.

Mr. Butler stated that on the first page of the handout,

he had all the civil case numbers. He continued that the purpose of all those civil cases was to file them against them and drain all of their money in retainers and then hit them with an upgrade criminal case. He continued that then they did not have any money, that they had already spent what they had. He stated that Bruce Gardner had never even talked to him. He stated that they had locked him up, where he couldn't get this information to the Judge.

President Russell stated to Mr. Butler that the Council sympathized with him, but that he needed to ask him to stop at this time.

Mr. Butler stated that he would like to say one more sentence.

President Russell asked that he do it quickly.

Mr. Butler stated that in 1933 the Nazis had started going around knocking the Jews in the head and dragging them off to a prison, and that this was something similar to what had happened to him. He stated that they had a swat on their backs, and that they had put him in jail throughout the trial. He stated that that was the exact same strategy that had been used by the Nazis. He stated that his father had been gone the first five years of his life, fighting at the Battle of the Bulge, under General Patton, to stop this, but they had done it to him.

Mr. Butler stated that he did not know why the Council would not have jurisdiction on this, but that that was a good

point.

Mr. Joffrion stated that if he could get a copy of the package Mr. Butler had submitted, he would take a look at it.

Mr. Butler stated that he would not be able to come back before the Council until the following year because he had to have cataract surgery.

Mr. Bobby Hall appeared before the Council, stating that he was with Roadside Towing. He stated that his company had been involved with a bid the City had for wrecker service, providing the service for the City. He stated that his company had bid on this somewhat over a month prior and had been the low bidder on some of the different sections of the bid. He stated that this had come before the City Council twice, that he was aware of, for approval, but that it kept getting postponed. He stated that his concern was why this was happening.

President Russell stated that it was because the Council members were not ready to vote on the matter, that they were acquiring additional information.

Mr. Hall asked if there was any information he could provide to the City concerning this.

President Russell stated that there was nothing that he was aware of, noting that they were working through the appropriate persons in the departments that were running the bid.

President Russell asked if there was anyone else in the

audience who would like to address the Council.

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER