

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, NOVEMBER 21, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, November 21, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Sadik Kucuksari of the Peace Valley Foundation led the invocation; members of Boy Scout troops in the audience led the pledge of allegiance.

President Russell welcomed the Boy Scouts and asked that a representative of each troop go to the microphone and explain what badge the members were working on at this time.

A representative of Troop 7093 stated that they were working on the Citizenship in the Community merit badge.

A representative of Troop 352 stated that he was working on the Communications merit badge.

The minutes of the Regular Council Meeting on November 7, 2013, were approved as submitted.

President Russell stated that the next item on the agenda

was Resolutions and Special Recognitions.

President Russell recognized Mayor Battle.

Mayor Battle stated that every October the Association of the U.S. Army held one of the largest conventions and trade shows in the world on industries that worked with the U.S. Army, in Washington, D.C. He stated that for the past five years, Huntsville had had a team that participated in the 10-mile run.

Mayor Battle asked Dr. Harry Hobbs to come to the podium, along with his team mates who were present.

Mayor Battle stated to Dr. Hobbs that this team had had some great achievements, that it seemed that they had won this race each year. He stated that he would like to recognize this team for this win and asked Dr. Hobbs to explain some of the history of the team.

Dr. Hobbs stated that they really appreciated the support from the city and the surrounding community. He stated that they had started this team seven years prior and had built the team under then Garrison Commander John Olshefski (Retired). He stated that the team was a seven-time champion in the Government Division and a five-time consecutive winner in the All-Comers, and that they continued to set a record for the 10-miler. He continued that they could not do this without the support of the community and that they certainly appreciated the opportunity to represent the community.

Mayor Battle stated that he had commendations for each of

the team members and thanked them for running for the honor of Huntsville, Redstone Arsenal, and the surrounding area.

Councilman Kling read and introduced a resolution in recognition of Native American Month-November, and the contributions of Native Americans residing in the Huntsville area, as follows:

(RESOLUTION NO. 13-918)

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

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

Councilman Kling stated that he would like to read portions of the resolution prior to presenting it to Mr. James Henley. He stated that on August 3, 1990, President George W. Bush had declared the month of November as National American Indian Heritage Month. He continued that this presidential proclamation had been signed into law on November 14, 1990. He stated that this was a landmark bill honoring America's tribal people. He continued that on October 31, 2013, President Obama had signed a proclamation designating November 2013 as National Native American Heritage Month, and to celebrate November 29, 2013, as Native American Heritage Day.

Councilman Kling read from the resolution that the land that now comprises the state of Alabama and Huntsville was once

the homeland and tribal hunting grounds of a number of Native American Indians who staunchly defended their right to live, hunt, and draw nourishment from the land.

Councilman Kling read from the resolution that Native American Indians had volunteered to serve in the United States Armed Forces and had served with valor in the nation's military actions from the Revolutionary War through the present day. He stated that in most of these actions more American Indians had served in the armed forces than any other group of Americans.

Councilman Kling read from the resolution that Native American Indians had made distinct and significant contributions to Alabama and the United States in many fields, including agriculture, medicine, music, language, and art.

Councilman Kling read from the resolution that recognition of the contributions Native American Indians had made to the structure of American society would provide an opportunity for all Alabamians to demonstrate their respect and admiration of Native American Indians for their important contributions to the political, cultural, and economic life of Alabama and the United States.

Councilman Kling read from the resolution that the Native American Indians should be honored and recognized for strengthening the diversity of society. He stated that Native American Indian Heritage Month served as an opportunity for Native voices to be heard and appreciated.

Councilman Kling read from the resolution that the month

of November 2013 would be designated as National Native American Heritage Month in Huntsville. He encouraged all residents of the city to observe November 29, 2013, as Native American Heritage Day.

Councilman Kling asked Mr. James Henley to come forward.

Councilman Kling thanked Mr. Henley for his leadership in the community and presented a copy of the resolution to him.

Mr. Henley expressed appreciation for the recognition, stating that it really meant a lot to him. He stated that, as Councilman Kling had mentioned, the Huntsville area started off as a hunting ground. He stated that, also, the true Trail of Tears had actually stopped at the Big Spring before traveling north to Tennessee. He stated that currently he was working on some projects that he hoped the Council would be able to help him out on, to mark the true Trail of Tears and to also replace the Chickasaw Old Fields sign that had been taken down when the bridge had been done across the river. He stated that he would like to make persons aware of what Native Americans had done in the past and to keep the heritage for the children who had a Native American history so that they could practice some of the things that Native Americans had brought to the world.

Councilman Showers read and introduced a resolution recognizing Bob Hayden for his role in history as an Honor Guard/3rd Infantry and his service during the funeral proceedings for President John F. Kennedy, 50 years ago this week, as follows:

(RESOLUTION NO. 13-919)

Councilman Showers 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.

Councilman Showers stated that he was delighted at this time to acknowledge Bob Hayden. He stated that the record would show that this citizen who resided in Huntsville at this time was a part of history 50 years prior.

Councilman Showers read from the resolution that the historical 50th anniversary of the assassination of President John F. Kennedy, one of America's most beloved leaders, would be on November 22, 2013.

Councilman Showers stated that this time brought to mind Mr. Bob Hayden, a resident of Huntsville and a graduate of Alabama A&M University, who had participated in an important part of the funeral proceedings for the deceased president, as one of the first blacks to serve on a White House honor guard. He stated that Mr. Hayden had been drafted into the U.S. Army in 1960, during a time of social and racial unrest in the country. He stated that when Mr. Hayden had gone into the military, he had felt the promise to defend the Constitution was not to be enjoyed by black servicemen but he had decided that, rather than being a failure, he was going to be a success, and that he had done everything he was ordered to do and had never complained.

Councilman Showers stated that eventually Mr. Hayden had been transferred to Fort Myer in Virginia, which he noted provided personnel for the Honor Guards at the White House. He stated that he had been told that black men did not have the ability nor the means to know how to do this specific job and that he felt he was being assigned to the Honor Guard to make that point. He stated that, however, Mr. Hayden had done his job so well that he stood the first watch at Arlington National Cemetery following the President's funeral.

Councilman Showers stated that on the ill-fated November 22, 1963, Mr. Hayden had been taking a leisure day away from his usual duties which included serving on the Honor Guard at the White House. He continued that he had performed as part of a drill team for President Kennedy only a few nights before this and had received a written note for a job well done. He stated that Mr. Hayden had been aroused from his sleep and began watching television, to learn that the President had been shot and had died. He stated that stunned and speechless, Mr. Hayden had reached for his uniform, knowing that he would be a part of history.

Councilman Showers stated that even though President Truman had issued an executive order in 1948 to immediately integrate the military, blacks were still sparse, that they had joined the White House Honor Guard only when President Kennedy had come into office. He continued that First Lady Jacqueline Kennedy had noticed there were no blacks

in the inaugural parade and had brought that to the attention of the new President.

Councilman Showers stated that during Mr. Hayden's straight 72 hours of duty, he had been instructed how to stand, not to blink or stare, to know what he was going to be doing but not to get caught up in the moment. He stated that they had had 30-minute breaks to eat, shower, change uniform, et cetera. He stated that Mr. Hayden had performed his duty without regard to his emotions.

Councilman Showers stated that Mr. Hayden had been present for all of the funeral rituals and had stood the first watch at Arlington after the funeral, culminating the 72 hours.

Councilman Showers stated that Mr. Hayden had come to the realization that the inequities exhibited toward blacks were not about him, that it was about the 30 million other persons who looked like him. He continued that he had to look within himself and make the alterations, change his personality and his behavior.

Councilman Showers stated that Mr. Hayden had expressed his belief concerning inequities in a quiet manner and had taken more responsibility in all areas of life in America.

Councilman Showers asked Mr. Hayden to come forward. He asked Mayor Battle and members of the Council to stand as he presented a copy of the resolution, acknowledging him for the honor he had brought on the city, the state, and the nation. He stated that it was an honor to him to have a man in his

presence who had been there 50 years prior with President John F. Kennedy.

Councilman Showers presented a copy of the resolution to Mr. Hayden, expressing appreciation for his tremendous service to the nation.

Mr. Hayden expressed appreciation for the recognition. He stated that the emotion he was experiencing at this time was something he had lost in that 72 hours and 50 years. He stated that he had worked many hours to stare, with no emotion, and not to get caught up in it, but he had refused to accept the advice of the medical team and see a psychiatrist and that now it haunted him.

Mr. Hayden stated that before this had happened, he had gone to Supply and conned the supplier out of six uniforms and 20 shirts, knowing that he was going to need them but not knowing what the reason would be. He continued that at the end of the burial, a sergeant had come up to him and told him he was going to put him in the history books, that they had created a new position to guard the Eternal Flame, and he would be the first one to serve. He continued that he had gone and showered and come out with one of the new uniforms he had obtained and that everyone was asking where it had come from.

Mr. Hayden stated that in the past 50 years, there had been many trying moments. He continued that he was able to be in contact with very few of the persons he had served with at that time.

Mr. Hayden again expressed appreciation for the recognition.

Councilman Showers read and introduced a resolution in recognition of the 90th Birthday Celebration of Mother Willie Mae Draper, to be held on November 23, 2013, at the Dr. Terrell Harris, Jr. Family Life Center, as follows:

(RESOLUTION NO. 13-920)

Councilman Showers 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.

Councilman Showers stated that he would be presenting the resolution, on behalf of the Mayor and the Council, at the event on November 23.

President Russell stated that item 15.d on the agenda, Ordinance No. 13-954, would require unanimous consent to be voted on at this meeting.

President Russell stated that the Council meetings in December would be held on other than the normal dates, and stated that the first regular meeting of the Council in December would be on December 5 and the next regular meeting would be on December 19. He stated that on December 12 the Council would have personnel hearings.

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 a resolution authorizing the demolition of an unsafe building, constituting a public nuisance, located at 2207 Thirteenth Street, SW.

President Russell asked Mr. Ken Benion, Director of Community Development, for an explanation of the above resolution.

Mr. Benion displayed photos of the property, stating that it was located at 2207 Thirteenth Street, SW. He stated that they were asking the Council to authorize demolition of an unsafe building, constituting a public nuisance, at this location. He stated that this property had been cited on August 29, 2013, as a public nuisance and the owners had been issued a notice to demolish the structure. He continued that no work had been done on this.

Mr. Benion stated that the property had been inspected by an independent contractor and it had been found that the structure was not economically feasible to repair. He stated that the notice, the photographs, and the evaluation were included in the attachments to the paperwork before the Council.

Mr. Benion stated that it was his recommendation that the Council declare such conditions to be a permanent nuisance and order the structure to be demolished.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the demolition of an unsafe building, constituting a public nuisance, located at 2207 Thirteenth Street SW, as follows:

(RESOLUTION NO. 13-921)

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

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the demolition of an unsafe building at 3905 Gunnison Lane, NW.

President Russell recognized Mr. Benion.

Mr. Benion stated that they were asking the Council to authorize the demolition of an unsafe building, constituting a public nuisance, located at 3905 Gunnison Lane, NW. He continued that this concerned only the accessory structure. He stated that the property had been cited on August 22, 2013, as a public nuisance and that the owners had been issued an order to demolish the structure. He continued that no work had been done.

Mr. Benion stated that the property had been inspected by an independent contractor and it had been found that the structure was not economically feasible to repair. He stated

that the notice, photographs, and the evaluation were included in the attachments to the paperwork before the Council.

Mr. Benion asked the Council to declare such conditions to be a public nuisance and order the structure to be demolished.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the demolition of an unsafe building at 3905 Gunnison Lane, NW, as follows:

(RESOLUTION NO. 13-922)

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-781, rezoning property lying on the west side of U.S. Highway 231 South and north of English Drive from Residence 1-A District to Office District, which hearing was set at the October 10, 2013, Regular Council Meeting.

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

Ms. Leddo stated that this was 3.23 acres of land lying on the west side of U.S. Highway 231 South and north of English

Drive. She indicated the area on a displayed map.

Ms. Leddo stated that the rezoning request was from Residence 1-A District, which she noted was a single-family zoning district, to Office District. She stated that this land was currently vacant.

Ms. Leddo stated that the Planning Commission had recommended approval of this rezoning request.

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

There was no response.

President Russell stated that the public hearing was closed.

Councilman Kling moved for approval of Ordinance No. 13-781, rezoning property lying on the west side of U.S. Highway 231 South and north of English Drive from Residence 1-A District to Office District, which ordinance was introduced at the October 10, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-781)

Said motion was duly seconded by Councilman Showers.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-783, zoning newly annexed property lying on the east side of Williams & Broad Drive and north of Dug Hill Road as

Residence 1 District, which hearing was set at the October 10, 2013, Regular Council Meeting.

Ms. Leddo stated that this was 1.11 acres of newly annexed property, noting the location on a displayed map. She stated that the proposed zoning was Residence 1 District, which she noted was a single-family zoning district. She stated that there was an existing single-family home located on the property and that the zoning would be consistent with the other zoning in the area.

Ms. Leddo stated that the Planning Commission had recommended approval of this proposed zoning.

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

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council. He asked if this property had the infrastructure in place or if the City would be required to put in some type of new infrastructure.

President Russell asked Ms. Leddo if she could answer Mr. Timberlake's question.

Ms. Leddo stated that there was a fairly new subdivision located just to the south of the property, so that there was City infrastructure in the area. She stated that the property owners would be responsible for any work that had to be done on their property to extend to the City lines but that, otherwise, City services were already in place.

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

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 13-783, zoning newly annexed property lying on the east side of Williams & Broad Drive and north of Dug Hill Road as Residence 1 District, which ordinance was introduced at the October 10, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-783)

Said motion was duly seconded by Councilman Showers.

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

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-785, rezoning property lying south of U.S. Highway 72 West and on the west side of Burgreen Road from Highway Business C-4 District to Commercial Recreation C-5 District, which hearing was set at the October 10, 2013, Regular Council Meeting.

President Russell recognized Ms. Leddo.

Ms. Leddo stated that this was 24.73 acres of land, noting the property on the displayed map. She stated that the current zoning was Highway Business C-4 District and that the property owners had requested Commercial Recreation C-5 District zoning.

She stated that the property was currently vacant and that the owners would like to put an entertainment venue development in this area.

Ms. Leddo stated that the Planning Commission had recommended approval of this rezoning request.

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

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 13-785, rezoning property lying south of U.S. Highway 72 West and on the west side of Burgreen Road from Highway Business C-4 District to Commercial Recreation C-5 District, which ordinance was introduced at the October 10, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-785)

Said motion was duly seconded by Councilman Culver.

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

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

President Russell read and introduced a resolution to set a Public Hearing for Kirk Parker and Luella Parker, d/b/a Starship Limousine Service, as follows:

(RESOLUTION NO. 13-923)

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

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

Mr. Rusty Loiselle appeared before the Council, stating that he was representing the homeless veterans and citizens of Huntsville. He stated that they were again appearing before the Council and that he was still shaking his head at the lack of interest City government had for its military heroes that had fallen through the cracks of society. He stated that his group had asked for help for those persons who were being evicted from Tent City because of the rants of an idiot. He stated it was obvious that the DOT had been looking for some excuse to get these persons out from underneath the bridge. He continued that, however, from what he understood from the DOT lately, they were not pushing to get them out of there.

Mr. Loiselle stated that what had surprised him even more was the care-less attitude of the Council that would not give them an answer if they were doing anything, if they cared about doing anything, if they were looking for options for these persons, or if they just wanted to get them out. He stated that it appeared that the Council members had their hands over their ears and were closing their eyes and that he just could not understand this. He stated that these persons were human

beings, that they were persons who had stood on foreign lands dodging bullets for other persons' freedom and they were now being treated like bums.

Mr. Loiselle stated that organizations in the city collected millions of grant dollars to get homeless people shelter and they put a handful of such persons in cockroach-infested public housing. He continued that those persons who stayed at the Downtown Rescue Mission and the Salvation Army were treated like prisoners and not homeless people, that the rules were unbelievable.

Mr. Loiselle stated that in the prior week, one of the persons who stayed at the Mission had said they were served ham that tasted sour. He stated that they were not keeping up with good food habits there. He stated that these persons were stating that they felt safer on the street than inside the Mission.

Mr. Loiselle stated that he had had reports of similar things at the Salvation Army. He continued that he had had a report of a veteran who had helped unload a donation of coats at First Stop. He stated that the veteran had asked if he could have one of these coats and was told no, that he should go to the Rose of Sharon Soup Kitchen and get one.

Mr. Loiselle stated that this was the same First Stop that got a ton of money through grants to help these persons. He stated that, obviously, they were not buying fresh food or clothes or putting roofs over the heads of very many of these

persons. He stated that he was wondering where all this money was going.

Mr. Loiselle stated that one homeless veteran who still stayed in Tent City was dying of cancer. He continued that this person had been signed up for housing for two years. He stated that he received radiation treatments three times per week and was usually so sick he could not speak, but, yet, he kept getting bypassed for housing. He stated that what made matters worse was that the City did not do a thing to help this person find a peaceful place to exist in the woods.

Mr. Loiselle stated that he wanted to remind everyone that Huntsville was a military town, that everyone felt very strongly about their veterans. He stated that if the Council did nothing to help these persons, there would be a lot of persons remembering this when it was election day.

Ms. Tara Bunyan, 1222 Kingsway Road, SE, appeared before the Council, stating that there was actually a way for every person present at this meeting to become invisible, that it was a new invention. She stated that everyone present could instantly become invisible just by being homeless.

Ms. Bunyan stated that she would like to list a few persons who had been homeless in their lives and named several persons, including the following: Halle Berry; Suze Orman, who had lived out of her van for three nights; Daniel Craig, the new James Bond, who had lived on park benches in London. She continued that Ella Fitzgerald had once been homeless; as well

as Harry Houdini; Charlie Chaplin; Kelly Clarkson; actor-comedian Steve Harvey, who had been homeless for three years; Burl Ives; and Eartha Kitt.

Ms. Bunyan read from the Bible, urging persons to care for these persons.

Councilman Kling stated that he was aware that this issue had been discussed and asked if there had been an effort by some of the City departments to work on this situation. He stated that he was not certain if this was Community Development but that he thought some contact was being made to provide assistance in this regard.

Mr. Benion stated that they had had some meetings concerning these issues. He continued that they worked with the agencies to which they gave grant money to address some of these concerns. He stated that most of their concerns were along the lines of working with the shelters to alter some of the rules that would help some of the homeless veterans that were under the interstate. He stated that they were trying to get more persons to come in for services.

Mr. Benion stated that there was not just one solution for all the different problems associated with homelessness but that they did have an effort to try to increase services to such persons. He stated that some of the veterans did not want these services they offered, that they could not get some of them to come to the shelters.

Mr. Benion stated that they just did not have answers for

all of this but that they did put a considerable amount of money into homeless prevention. He continued that it ultimately came down to the individuals and what their preferences were.

Councilman Kling stated that this was an issue that he felt at least needed to be looked into. He stated that he agreed with what the first speaker had said and that he would like to see what assistance they could provide or what they could do, given the circumstances of this matter.

Mayor Battle stated that they had the North Alabama Coalition for the Homeless, which he noted was their coordinating agency, which they gave money to each year to assure that they had proper identification of who the homeless were in the city. He stated that they had also been working with First Stop and with the Downtown Rescue Mission and the Salvation Army, to assure that there were services being provided. He continued that this was part of the Compassionate Community, to assure that they did take care of these persons.

Mayor Battle stated that when the first question had come up about the persons under the interstate, they had looked at the idea of putting porta-potties at that location. He stated that this had been done previously but that, unfortunately, they had caught on fire because persons had gone in them to smoke.

Mayor Battle stated that they had addressed each thing

the City had power over in this regard, that they had talked to both the Health Department and the Highway Department about the facilities underneath the bridge. He continued that the State was still working with them on this situation.

Mayor Battle stated that he felt that Mr. Benion was correct, that when they started talking about each one as an individual person, with individual problems, each persons's problems would be somewhat different. He stated that they had groups that were out there working with such persons.

Mayor Battle stated to Mr. Loiselle that they appreciated his focus on this but noted that the City had groups that they had funded to make sure that homeless persons were taken care of. He stated that the City worked with these groups on a day-to-day basis, that they worked with them to make sure that they coordinated their activities and worked to end homelessness as much as possible. He stated that they most likely would not ever be able to end homelessness but they would certainly continue to try.

Mr. Eric Broyles, 871 Mill Road, appeared before the Council, stating that he would like to reiterate the concern about the homeless situation. He stated that he had recently become involved with this, as recently as September when he first heard about the possible eviction at Tent City. He stated that since that time he had attempted to provide assistance to these persons in the form of food, firewood, and clothing.

Mr. Broyles stated that what had come to his attention was that, No. 1, these were very good people. He stated that some of the gentlemen there were persons who could be his grandfather. He stated that they were veterans, and that he respected that, and he felt they deserved respect.

Mr. Broyles stated that he had some very specific concerns about the timing of the possible eviction. He stated that the last he had heard was that the target date for kicking these persons out was January 1, which he stated struck him as utterly bizarre, given the climate at that time, noting that it would be the coldest part of the year. He asked what was driving the City or ALDOT to impose this move on these persons at this particular time of the year.

Mr. Broyles stated that the second specific concern he had was if they were just going to kick them out or if there would be another location for these persons. He stated that some of these persons just might not want to live in a shelter, noting that he felt that was their right.

Mr. Broyles stated that the overpass was a particularly good situation for these persons, as good as it could be given the circumstances, because it was protected from the environment. He stated that if one had ever been camping, they would know that if it was cold, it was kind of unpleasant, and if it was wet, it was a little unpleasant, but that if one were both cold and wet, it was a particularly bad combination. He stated that the overpass helped these persons avoid this to a

large extent. He stated that it was also very convenient to the various charities. He asked if these persons would be relocated to a spot that they would have to travel a long distance to get to the charities. He asked further if the new location would be as protected as the current location.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that he hated to come before the Council with the topic he had to present to the Council and to the citizens of Huntsville. He stated that it was a shame that they continued to blame the victim. He stated that, as a veteran, he empathized and sympathized with his fellow veterans who were under such great strain and stress. He stated that these persons had offered the full measure, that they had stood in the gap for others' freedom, and yet their concerns could so callously be addressed. He stated that he was very concerned about this.

Mr. Timberlake stated that A&M, which had just received a veterans award, would not honor its purple heart recipients, veterans who were documented by the authority of the United States Government as offering up the full measure. He stated that although they had not given it, it was indeed offered. He stated that it was a shame for them to so callously and dismissively state that they would not honor this right given to these veterans by their state legislators, by their elected officials, and signed into law by their governor.

Mr. Timberlake stated that he believed the plight that

some of these veterans were suffering under the bridge resulted from actions of the United States Postal Service. He stated that the Postal Service in the city would not honor such rules as due process, noting that he had read that they did not deliver mail to certain persons under the bridge. He stated that, as a former employee of the United States Postal Service, he knew for a fact that they had some problems with adhering to the law and being held accountable.

Mr. Timberlake stated that when the City gave money to these organizations, they had an obligation to ensure that the money was being used in the manner in which it was being given. He stated that it was not enough for the City to give these organizations money and then turn a blind eye and say they had given it.

Mr. Chris Dayton, 1906 Wooddale Drive, appeared before the Council, stating that he had not seen it on the agenda but had read an article in the newspaper about Councilman Showers' proposal to rename Church Street to recognize Rev. Lowery. He stated that he really liked this idea, noting that he believed that going to the moon and the civil rights movement were two of the most inspiring things on the face of the earth and they had come out of Alabama and there were some hometown boys greatly involved in these things. He stated that he had read Dr. Hereford's book, noting that he had gone into great detail. He stated that it was super classy the way Huntsville had managed integration, that there were a lot of people who had

done some incredible work in this regard.

Mr. Dayton stated that perhaps First Stop was not the best place for the City to be spending its money, that it might need to diversify, that there might be someone else who could fill these gaps. He stated that if the City was handing out checks and persons who had feet on the ground were not saying that this was doing something, perhaps they needed to reevaluate this and make sure they were getting their true value.

Mr. Dayton stated that even though he had read articles concerning it, he still could not understand why they were so anxious to run the persons out from under the bridge, noting that they had been there for years. He stated that if it was a health risk to these persons and they were happy there, that perhaps they should leave this alone. He stated that no one would notice that these persons were there unless they were really paying attention. He continued that it appeared to be a nice, natural place.

Mr. Alan Simonis, 3221 Riley Road, appeared before the Council, stating that, as everyone was aware, Walmart would soon be breaking ground on a new store in the Mason Plaza area. He stated that many residents in the nearby neighborhoods and the nearby businesses had opposed a big box store in that location for a variety of reasons, which the Council had already heard. He stated that the bottom line was that they did not believe Walmart was a good fit for that area.

Mr. Simonis stated that Ms. Bostick had advised them that

the zoning laws for that area had been in place for at least 50 years, perhaps longer than that. He stated that if the Council were to be zoning that property at this time, he did not believe they would have allowed any big box store to be located in that area. He continued that, nevertheless, Walmart was coming.

Mr. Simonis stated that Walmart had expressed their interest in being a good neighbor. He stated that his group believed that "being a good neighbor" meant being concerned about the welfare of those around the area. He stated that his group was asking the City leaders to continue to communicate with Walmart to address three concerns.

Mr. Simonis stated that their first concern was that Walmart was planning to be open 24 hours. He stated that a 24-hour store would attract some persons during the late night hours that his group did not care to have hanging around on the fringes of their neighborhood. He continued that their desire was for Walmart to close during the late night and early morning hours.

Mr. Simonis stated that their second concern was that Walmart received many of their deliveries by 18-wheel trucks, and that it was their desire that these trucks have very limited access to L&N and no access to Drake Avenue. He stated that the reason they wanted limited access to L&N was because it was the closest street bordering their neighborhood.

Mr. Simonis stated that their third concern was about the

Belle Chase area, which he noted was the closest area to the Walmart location. He stated that this area needed a barrier, to help them to be shielded from noise and lights and to limit direct access from the Walmart parking lot into that area.

Mr. Simonis stated that, as the Council was aware, one of the basic reasons for government to exist was to protect the people. He stated that his group needed the Council's help in getting these three things accomplished, in order to give them some protection in this matter.

Ms. Jackie Reed, 303 Jack Coleman Drive, appeared before the Council, stating that she had left her chicken shirt at home and that she hoped the Council would let the chickens rest, that in fact she hoped they would let the matter rest forever.

Ms. Reed stated that everyone should be thankful for their lives, their family, their health, their friends, and even the elected officials, during the Thanksgiving season. She said that she appreciated the officials and all the City employees for everything they did.

Ms. Reed stated that she was certainly concerned about what was going on in the downtown area. She urged the City to hurry up and finish the projects downtown, noting that there was a real problem trying to get through the streets. She asked that they not tie persons up through Christmas but hurry with these projects. She stated that every time one went downtown, there was a detour and persons could not go in

certain directions.

Ms. Reed stated that she had a concern about an unfinished business item for action, where they were trying to stop Walmart, from the hours of 7 p.m. to 7 a.m., from being allowed to have commercial trucks go into their business. She stated that when there had been talk in the Planning Department about Walmart wanting to locate in that area, after they had already put up a fight against a Walmart on Airport Road, none of the Council members had gotten involved and tried to determine what was going on with this matter.

Ms. Reed asked why the Council had not demanded a traffic study when the matter was first brought to their attention. She stated that the Council members should not tell her they did not have that much power. She continued that she went to the Planning Department and the Zoning and Variance, and that they could just do anything they wanted to do.

Ms. Reed stated that at this time they were talking about limiting commercial deliveries and also limiting store hours. She continued that it was a little bit late to be trying to do the right thing at this time.

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

President Russell stated that Councilman Olshefski would recuse himself on this matter and abstain from voting.

President Russell read and introduced a resolution authorizing the approval and purchase of Fire Retardant

Clothing (PR#10129055) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-924)

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

President Russell called for a roll-call vote, and the following vote resulted:

AYES: Culver, Showers, Kling, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the resolution had passed.

President Russell read and introduced a resolution authorizing approval to extend the unit line clearance contract for the period of 10/1/2013 through 9/30/2014 (PR#10131666) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-925)

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

President Russell called for a roll-call vote, and the following vote resulted:

AYES: Culver, Showers, Kling, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the resolution had passed.

President Russell read and introduced a resolution

authorizing approval to extend the hourly line clearance contract for the period of 10/1/2013 through 9/30/2014 (PR#10131667) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-926)

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

President Russell called for a roll-call vote, and the following vote resulted:

AYES: Culver, Showers, Kling, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the resolution had passed.

President Russell read and introduced a resolution authorizing approval to extend the herbicide/tree growth contract for the period of 10/1/2013 through 9/30/2014 (PR#10131668) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-927)

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

President Russell called for a roll-call vote, and the following vote resulted:

AYES: Culver, Showers, Kling, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the resolution had passed.

President Russell read and introduced a resolution authorizing the purchase of the annual licensing/support for Intergraph products (PR#10135144) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-928)

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

President Russell called for a roll-call vote, and the following vote resulted:

AYES: Culver, Showers, Kling, Russell

NAYS: None

ABSTAIN: Olshefski

President Russell stated that the resolution had passed.

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

Councilman Showers read and introduced a resolution to reappoint Mrs. Betty Fletcher to the Huntsville-Madison County Airport Authority, for a term to expire October 23, 2019, as follows:

(RESOLUTION NO. 13-929)

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

There was no action taken on item 9.a.2 on the agenda due

to Resolution No. 13-929 being adopted.

President Russell read and introduced a resolution to appoint Ben Bragg to the Beautification Board, for a term to expire October 1, 2014, as follows:

(RESOLUTION NO. 13-931)

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

President Russell read and introduced a resolution to appoint Ruth Soracco to the Beautification Board, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 13-932)

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

Councilman Showers read and introduced a resolution to appoint Mack Ford to the Board of Examination and Appeals for Construction Industries, Place 1, for a term to expire September 21, 2015, as follows:

(RESOLUTION NO. 13-933)

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

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

Councilman Showers nominated Jesse T. Horton for

reappointment to the City Tree Commission, for a term to expire October 8, 2015.

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

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

(RESOLUTION NO. 13-934)

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.

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

Mr. Taylor stated that the October sales tax figures were in, which he noted represented two things, one being that it was the last official month for Fiscal Year '13, which he noted was already closed. He stated that these taxes were for September. He stated that they were 3 percent ahead in October over the previous October, which he noted was exactly where they needed to be for budget requirements for the new fiscal year that had just started. He stated that this allowed the year-end number for September to move up close to 2 percent, noting that this was good news. He stated that they had closed the year a little better than they had thought they would the last time they had reported on this figure. He stated that, as

far as collections, for the first month, they were at the 3 percent figure upon which the budget was based. He stated that this was the only figure he had with respect to financials.

Mr. Taylor stated that he would point out to the Council that item 15.b on the agenda was the issuance of the City's General Obligation Warrants that he had reported at the prior meeting. He continued that they had actually done the pricing the day before the prior Council meeting. He stated that the Council had been given all the results of that and that they now had the official approval of this on the agenda, noting that this was a unanimous consent item.

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

Mayor Battle stated that on the following Saturday, Ms. Joy McKee had a very special event happening at the Hays Nature Preserve. He stated that the lake at the Hays Preserve had been stocked with 750 pan-sized rainbow trout and people would be allowed to go out and fish. He stated that they also had bass, as well as brim. He stated that the Tennessee Valley Fly Fishing Association would be there doing casting demos and that it should be a fun morning. He stated that Operation Green Team would be there with hot chocolate, coffee, and hand warmers to knock off the chill. He stated that this would be a fun thing to do.

Mayor Battle welcomed Ms. Sheila Cummings, noting that she

owned a company called Cummings Aerospace in the city and that she had a purchase agreement for 10 acres in Cummings Research Park. He stated that this was a four-year-old company that had started locally and that she was doing great things with it. He stated that they would be moving from leased space to owned space. He congratulated her and thanked her for being a part of the corporate community in the city.

Mayor Battle stated that on the following Sunday, there would be a communitywide Thanksgiving service at the Faith Presbyterian Church on Whitesburg Drive. He stated that this was a time that persons could reflect on what they had to be thankful for, noting that there was a lot to be thankful for in the Tennessee Valley, that it was a great community, with a thriving economic base and a great quality of life. He wished everyone a happy Thanksgiving.

Mayor Battle stated, concerning Compassionate Community, that there had been a showing of "A Place at the Table," noting that this was a very moving movie, talking about what different communities did to solve the hunger problem. He continued that there was a hunger problem in every community. He stated that many persons did not realize that Manna House fed between 1500 and 2500 persons a day. He stated that, also, many persons did not realize that the Food Bank gave out food to hundreds of people a day. He stated that there were many churches that worked on the Backpack Program, to make sure that kids took home things on the weekend so they would have something to eat.

He continued that the schools had opened up the past summer so they could feed kids and keep them in the learning process.

Mayor Battle stated that one of the things persons could be thankful for was that their community responded, that they responded to persons on a day-to-day basis, that they responded to things like hunger and homelessness, that they responded to a lot of needs that were out in the community. He stated that he wanted to say "Thank you" to all the persons who stepped out and did this, noting that they did it from the heart. He continued that this was what made a great Thanksgiving in the community.

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

Councilman Culver introduced Elliott Hinton, noting that he had previously been in attendance at Council meetings with him. He stated that Mr. Hinton was a student at both Oakwood University and Calhoun Community College.

Councilman Culver stated to Mr. Loiselle that he would like to meet with him and exchange information, noting that he wanted to work with him in relation to the homeless situation.

Councilman Culver stated that he also wanted to speak in favor of First Stop, noting that this was one of his favorite organizations that worked with homeless veterans and homeless residents. He stated that he regretted the unfortunate situation that had happened but asked that First Stop not be judged based on this particular incident. He stated that

First Stop was an organization that afforded homeless individuals the opportunity to take showers and that they also supplied them with personal hygiene packages, et cetera.

Councilman Culver stated that he supported all the organizations in Huntsville that put forth their best efforts to help the homeless. He stated that there was a problem with this in the city and stated that he believed it was incumbent upon the City of Huntsville to pick up the pace and do more to help homeless veterans and other homeless residents without regard to how they had gotten into the situation. He stated that he related to this on a personal basis because, based upon the definition of "homeless" given by one of the previous speakers, he had become homeless after a divorce and had had to move in with one of his late friends who was a school teacher in the city, noting that he had rented a room from her for approximately \$50 a month for a few months until he got back on his feet. He stated that while he might not be able to empathize with the situation, he could truly sympathize.

Councilman Culver stated that on the following Saturday, as had been done for the past four or five years, there would be a dinner for the homeless in the city. He stated that this was done with the assistance of the City and the Public Transportation Department, noting that they usually got approximately four or five buses and went to all the homeless shelters, including the Downtown Rescue Mission, Breaking Free Mission, and the Salvation Army, as well as in the First Stop

area. He stated that he would also like to add Tent City to this, noting that perhaps they could send a bus to that area. He stated that he wanted persons to understand that this was not just dinner, that they supplied blankets, coats, care packages, school supplies, et cetera. He stated that this was being done in conjunction with Macedonia Church on Dupree-Worthey Road.

Councilman Culver stated that he had been very pleased to see all the activities that had happened concerning the veterans, from the parade to all the other events. He stated that one that really stuck out in his mind was an event held at Lockheed Martin on the UAH Campus with the USO, which he noted was an organization that volunteered to provide care packages to the troops overseas, the men and women who would not have the opportunity to be home with their families for the holidays. He stated that as they were filling these boxes, he was looking at the various things in there, from gingersnap cookies to foot warmers to hand warmers to candy canes to Christmas trees with ornaments, et cetera, and it had struck him that this was the closest these persons would get to enjoying the holiday season, primarily based on what was in the boxes.

Councilman Culver stated to Mr. Terry Hatfield, Director of Public Works, that he had certainly enjoyed having lunch with him and members of his crew, noting that this spoke volumes as to how much the employees were appreciated. He

stated that he felt that nothing motivated morale more than supervisors and department heads taking the time out to express their appreciation to their employees.

Councilman Culver wished everyone a very happy Thanksgiving.

Councilman Kling stated that one of the things he especially liked about City government was dealing with and addressing neighborhood concerns. He stated that they had had meetings in the past where members of the Mayfair neighborhood had come down concerning the impact of a dance studio, and they had gotten the Police Department and Traffic Engineering to work to make some improvements on this. He continued that, also, there had been residents of the Five Points neighborhood who had come down about a house in the neighborhood that had a lot of overgrowth that was disruptive to the neighborhood, and that they had taken action to try to improve that situation.

Councilman Kling stated that throughout the city there were neighborhoods who came down before the Council and that the Council worked as a body to provide some solutions and assistance in these matters.

Councilman Kling stated that the midtown neighborhood had appeared before the Council, and they had had a very valid case, in his opinion, as to the impact of the Walmart on that neighborhood. He stated that the difference between this situation and the Airport Road property proposal was that the Airport Road property had to be rezoned and that gave the

Council some control. He stated that the property for the current Walmart location had been zoned Heavy Industry for several years, going back to the early '60s, so there was no rezoning that was required, and that took it out of the hands of the Council.

Councilman Kling stated that there had been some things done, however, in this regard, noting that the neighborhood had come up with some good ideas. He stated that from the neighborhood they had gotten the idea of having an independent traffic study, and that Dr. Anderson had been selected by the neighborhood in this regard. He stated that Skipper Consulting had come up with an alternative truck route that basically would take the routing off the Parkway onto Shoney Drive, rather than going down Drake Avenue and making a right-hand turn onto L&N. He continued that the neighborhood residents had contacted him and put this forth as a good solution, and that he had then gotten in contact with Shane Davis and had asked him to see if they could get a formal commitment in this regard.

Councilman Kling stated that if there was something they could do for the neighborhood in this regard, they certainly wanted to do it.

Councilman Kling stated that on Longwood Drive, next to the UAB parking deck, there had been a problem with the bright lights flashing into the neighborhood, and that working with Natural Resources, they had been able to get the lights

redirected so they did not impact the neighborhood. He continued that this was an example of UAB wanting to be a good neighbor and that this had worked out.

Councilman Kling asked Mr. Davis to provide an update on the contact he had had and where they were on attempting to get something worked out that would re-route the delivery trucks to the new Walmart store.

Mr. Davis stated that this had been a very busy week with this matter. He stated that he believed the Council members had received a letter from Parkway Place Mall strongly urging against the proposed ordinance concerning truck traffic in this area. He continued that they had 94 retailers at that location and that anything that would change the dynamics of that center could change the dynamics of the neighborhood.

Mr. Davis stated that he had commenced working with Walmart to find an alternative solution rather than an ordinance change and that Walmart was cooperating on this. He continued that their logistics department made the determination of final routes and that at this time the store was not at the stage where the logistics department could get engaged in this, noting that they were approximately 60 to 90 days out from the logistics department finalizing the route. He stated that they were aware of the request and that their logistics department would work through this.

Councilman Kling stated that the concept had actually come from Walmart's consultant, Skipper, and that he understood they

were looking into it. He stated to Mr. Davis that he appreciated what he had done on this.

Councilman Kling asked Mr. Davis if Walmart said the trucks would go down the Parkway and come in by Shoney Drive, what guarantee there would be that they would do this. He asked if there was any way they could make sure they would actually do this.

Mr. Davis stated that the Walmart logistics department was very strict and that once they picked the truck route, that in order to protect their goods and services, they would make sure the drivers would follow the route. He stated that the trucks were monitored by GPS units and if a truck left the truck route designated by Logistics, the driver would be reprimanded and even perhaps lose his job.

Councilman Kling asked if it was correct that the GPS would actually track the trucks.

Mr. Davis replied in the affirmative. He stated that information that the logistics department of Walmart had been able to provide to them at this time was that out of six deliveries per day to this store, only one delivery per day would happen within the time period of 7 p.m. to 7 a.m. He stated that during that period of time, the least amount of employees would be at the store and they wanted to refrain from having this type delivery as much as possible.

Councilman Kling stated to Mr. Davis that he understood that under the zoning, the store could be open 24 hours a day,

but noted that the residents of the neighborhood had made compelling arguments about the impact of this on the neighborhood and that he certainly hoped they could raise this matter with Walmart, that perhaps there could be some adjustment of the hours, that rather than being open all night, they might close at 10 or 11 at night and reopen at perhaps 6 or 7 in the morning.

Councilman Kling stated that the neighborhood was going to be greatly impacted by the Walmart facility going in at this location, noting that this was a very large facility that was being proposed to be open 24 hours a day.

Councilman Kling stated to Mr. Davis that he appreciated the work he had been doing on this situation and the contact that he had had with Walmart.

Mr. Davis stated that he would certainly continue to have this type of dialogue with them and communicate the situation to the Council.

Councilman Kling stated that he believed that one thing that had happened as a result of the contact they had had was that the acceleration and deceleration lanes on the Parkway and L&N were going to be paid for by Walmart and not the City. He asked Mr. Davis if this was correct.

Mr. Davis replied in the affirmative, stating that the City was not incentivizing the development, that Walmart was paying for all aspects of the development.

Councilman Kling stated that someone had raised the issue

concerning a barrier. He stated that he did not know what type barrier could be put up but stated that perhaps they could look into this and see what, if anything, could be done in this regard.

Mr. Davis stated that they would look into this. He stated, concerning restricting access to the neighborhood off of L&N, that there were currently no driveways along L&N into the neighborhoods, that there was no access from L&N Drive into the neighborhoods and they did not plan on the City putting in a public road to create that type of access to the community.

Councilman Kling reiterated that he appreciated Mr. Davis's work on this matter and stated that, obviously, they would be staying in touch on this.

Councilman Showers stated that on November 7, the Council had passed a decision to overturn an action that had been recommended by the Personnel Committee. He stated that that action had been taken on November 7 and the present date was November 21. He asked Mr. Joffrion if he could explain what this decision of the Council had entailed.

Mr. Joffrion stated that the decision of the Council was simply to overturn the decision of the Personnel Committee, which he noted meant, in essence, to rescind the promotion that had been made. He stated that there was really no other specificity in the decision of the Council in this regard, in terms of direction. He stated that Mr. Byron Thomas, Director of Human Resources, could explain the procedural mechanics of

this. He stated that, in essence, the person who had been promoted to the position no longer had the position. He stated that pending the rehiring process, the department head would have to make a decision, within his authority, to determine who, if anyone, would be serving in an interim capacity in this position. He stated that he was not aware if this had been done or not, that Mr. Thomas might be able to answer that question.

Mr. Joffrion reiterated that the decision of the Council was simply to rescind the promotion.

Mr. Thomas stated that as a result of the Council's decision on November 7, he had received a letter from the Council president that the decision was to overturn the decision on the Neighborhood Services Programmer position and to vacate the position. He stated that a letter had been sent to the individual who had been promoted, stating that effective November 25, which he noted was the beginning of the pay period, that that person would no longer be in that position. He continued that they always made position changes at the beginning of a pay period. He stated that the position would be vacated as of the following Monday and that all the individuals who had applied, who were eligible, had been sent notification to advise them that their application would be reconsidered and that the interview process would take place afterwards.

Councilman Showers asked if the fact that the decision had

been overturned would create the opportunity for the person who had been in the acting role previously to be placed back into this position. He asked if the decision would send everyone back to the original state.

Mr. Thomas stated that the individual who had been promoted would be sent back to that person's original position. He continued that it would be left up to the discretion of the department head as to whether or not he would want someone to serve in an out-of-class capacity in this position, whether it would be the individual who had served previously or another individual.

Councilman Showers stated that there was a policy that dealt with a situation such as this and asked that they go back to the policy manual and follow the policy manual in this regard.

Councilman Showers stated to Mr. Hatfield that he had also enjoyed his time with his department earlier in the day, noting that it was a wonderful Thanksgiving luncheon for the workers of the City, as well as others who had been invited to attend this event. He commended Mr. Hatfield for this event.

Councilman Showers stated that he had also attended an event at Bradley, Arant, noting that they had an appreciation luncheon for their clients and that he had been delighted to be a part of that.

Councilman Showers stated that the following weekend the Alabama A&M Bulldogs would be going to Atlanta, Georgia, to

play an historic game with Georgia Tech.

Councilman Showers stated that on November 25, he would be presenting a certificate and a key to the city on behalf of the Mayor to Ms. Hart, noting that she would be celebrating her 100th birthday.

Councilman Showers stated that he had asked Ms. Sandra Cutts to speak concerning why they believed the Rev. Dr. Joseph Lowery, an icon of Alabama and Huntsville, should have a street named in his honor. He recognized Ms. Cutts.

Ms. Cutts appeared before the Council, expressing appreciation for the opportunity to provide a snapshot of an individual who had received the Presidential Medal of Freedom. She stated that it was deemed only fitting for the City to recognize the Rev. Dr. Lowery by renaming the street known as "Church Street" in his honor, noting that this would serve as a testimony to the service and accomplishments of this great Huntsvillian, along with acknowledging the historic significance of Church Street.

Ms. Cutts stated that Church Street was the childhood home of Rev. Lowery, that it was the location of black businesses prior to the reconstruction, and that Rev. Lowery's father had had a business on Church Street. She stated that the renaming of this street would be one of the most viable ways to honor the Rev. Dr. Joseph E. Lowery, Alabama's and Huntsville's most distinguished historic icon and native son.

Ms. Cutts stated that Rev. Lowery had been born on

October 6, 1921, in Huntsville, Alabama. She continued that he had experienced the deep hatred toward blacks living in the deep south at an early age. She stated that after he graduated from William Hooper Councill High School, he had attended Knoxville College and Alabama A&M College and had graduated from Paine College. She stated that from Ku Klux Klan altercations to police brutality, he had endured decades of racism. She continued that these experiences had led him to the ministry and to become a leader in the Civil Rights Movement.

Ms. Cutts stated that Rev. Lowery had long been recognized for the vital role he played in the leadership and his deep personal commitment to the American Civil Rights Movement. She stated that the name "Joseph Lowery" was nearly synonymous with the words "civil rights." She stated that for most of his life, he was a key figure in the national civil rights activities, dating back to the 1950's. She stated that Rev. Lowery, a Methodist minister, had served beside the Rev. Martin Luther King, Jr., as a visionary whose contributions were pivotal to the success of the civil rights movement. She continued that his contributions had earned him the title of "Dean of the Civil Rights Movement," because of his diligence and determination to create equality for all races and ethnicities.

Ms. Cutts stated that in 1952, Rev. Lowery had become the pastor of Warren Street Methodist Church in Mobile, Alabama,

where he quickly became involved in the Civil Rights Movement. She continued that in 1957, he had co-founded the Southern Christian Leadership Conference with Martin Luther King, Jr., Fred Shuttlesworth, Ralph Abernathy, and several other leaders. She stated that he had presided over SCLC's chapter in Atlanta for many years and was the national president from 1977 until 1997. She stated that, relying on their faith, these men had worked together to create equality within the United States through peaceful actions.

Ms. Cutts stated that Rev. Lowery had secured a place in history in the Civil Rights Movement by being a strong advocate of several peaceful acts, such as the Montgomery bus boycott and the Selma to Montgomery march.

Ms. Cutts stated that during Rev. Lowery's fight for equality, the State of Alabama had filed a libel suit against Rev. Lowery and the SCLC, and that although clearly innocent, they had been found guilty and ordered to pay \$3 million. She stated that, however, this attack had not deterred Rev. Lowery and the SCLC, that they had used the libel suit, harassment, disrespect, and even abuse they endured to fuel their hunger for equal rights.

Ms. Cutts stated that Rev. Lowery's journey in the Civil Rights Movement was difficult, but he had persevered and remained strong when mankind needed him the most. She stated that his contributions to equality and civil rights had not gone unappreciated, that his relentless human rights advocacy,

dedication, achievements, and contributions during more than half a century of civil service were far too expansive to list but stated that mention could be made of such honorable recognition as being awarded several honorary doctorates, including ones from Alabama A&M University and the University of Alabama. She continued that organizations such as the NAACP and the Urban League had honored him with lifetime achievement awards. She stated that one of his most memorable awards had been delivering the benediction prayer during the historic 2009 inauguration of President Barack Obama. She stated that also in 2009 Dr. Lowery had been the recipient of the nation's highest civilian award, the Presidential Medal of Freedom, bestowed on him by President Obama.

Ms. Cutts stated that Huntsville could show its appreciation by renaming Church Street in honor of this historic icon and native son, the Rev. Dr. Joseph E. Lowery.

Councilman Showers thanked Ms. Cutts for presenting this background information on Dr. Lowery. He stated that he had been privileged to attend the inauguration of President Obama in 2009, when he was made to feel proud, as an Alabamian, when this giant of a man came up at the end of the ceremony to do the benediction on behalf of America.

Councilman Showers thanked the Mayor and the Council for having the opportunity to have presented the contributions that Dr. Lowery had made. He stated that he had been working with the community in public meetings and would be working with the

Planning Department very soon to obtain the proper paperwork and that hopefully at that time they would have the opportunity in the city to acknowledge a favorite son, the Rev. Dr. Joseph Lowery.

Councilman Olshefski stated that he had also had the pleasure of attending the event with Mr. Hatfield and expressed appreciation for this. He stated that these employees were second to none and that he appreciated everything they did every day.

Councilman Olshefski stated that he was always getting emails concerning what was happening in South Huntsville and stated that he just wanted to say he was looking at different things but was not ready to share all this at this time.

Councilman Olshefski stated, concerning the homeless situation, and particularly the veterans' homeless situation, that he would like to get information on all agencies the City gave money to related to homelessness and that he would like to know the dollar value of this. He stated that he had looked at this situation previously and had felt like they gave too much money to non-profits. He stated that previously he had questioned why they were giving money to NACH, the North Alabama Coalition for the Homeless, and had been advised at that time to look out the window from his office into the park and see if he saw any homeless persons. He stated that he had done this and had not seen any homeless persons in the park. He stated that he was then advised that in such places as

Birmingham and Montgomery, they would see the homeless in such places. He stated that he felt the location of the homeless at this time was not a bad location. He stated that he was not sure where they were with the situation and the State mandate concerning this matter but he felt they should look into this more thoroughly.

Councilman Olshefski stated that he had just returned from Portland, Oregon, on a business trip, and the situation had been pathetic, that he had walked out of a five-star hotel and there had been persons digging in the trash cans and sleeping under street signs.

Councilman Showers stated that they kept hearing the concerns about veterans but noted that there were other persons involved in this other than veterans that needed help.

Councilman Olshefski reiterated that he felt this should be looked into, stating that when organizations were given money by the City, he felt they should advise them on the work they were doing. He continued that when the City was giving money, he felt they should verify that these organizations were getting the job done.

Councilman Showers stated that he and Mr. Hamilton had had a brief discussion about a situation on University Drive and that he wanted the public to know that Mr. Hamilton was pulling together the appropriate departments to look at that issue in that particular neighborhood on University. He thanked Mr. Hamilton for looking into this situation, as it related to

traffic calming, lighting in the neighborhood, and the opportunity to ensure that no other lives would be lost on University Drive by persons crossing at incorrect points. He stated that he was looking forward to this being pulled together, noting that he got many calls concerning this situation and that he just wanted to provide everyone with the information that this was being worked on and that they would be making contact with the neighborhood representatives for a neighborhood meeting.

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

Councilman Kling moved for approval of Ordinance 13-896, amending Section 25-132 of the Code of Ordinances, to prohibit operation of commercial vehicles on certain city streets between the hours of 7:00 p.m. and 7:00 a.m., which ordinance was introduced at the November 7, 2013, Regular Council Meeting.

Said motion was duly seconded by Councilman Showers.

Councilman Kling moved to table Ordinance No. 13-896, which motion was duly seconded by Councilman Showers, and was unanimously approved.

President Russell stated that the ordinance had been tabled.

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

President Russell read and introduced a resolution

authorizing the Mayor to enter into agreements with the low bidder meeting specifications as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 13-935)

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

President Russell read and introduced an ordinance to amend Budget Ordinance No. 13-630 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 13-936)

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

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

(RESOLUTION NO. 13-937)

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

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

(RESOLUTION NO. 13-938)

President Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Smith Engineering Co., Inc., for Engineering Hydrologic and Hydraulic Services for Whitesburg Drive and Drake Avenue Drainage Basin Study, Project No. 65-14-DM04, as follows:

(RESOLUTION NO. 13-939)

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

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Miller & Miller, Inc., for Redstone Gateway Package I-Lake F, Package I-4, Concrete Box Culverts, Project No. 65-12-SP23, by Change Order No. 1, as follows:

(RESOLUTION NO. 13-940)

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

President Russell read and introduced a resolution authorizing the Mayor to modify the agreement with Littlejohn Engineering Associates, Inc., d/b/a G. W. Jones & Sons Consulting Engineers, for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07, by Modification No. 3, as follows:

(RESOLUTION NO. 13-941)

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

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Jonathon and Tamara Hubbert, Claim FY14-10, for the amount of \$21,776.71, as follows:

(RESOLUTION NO. 13-942)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Renasant Bank Letter of Credit No. 2905 for Bell Grove Manor Subdivision, as follows:

(RESOLUTION NO. 13-943)

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

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke First Commercial Bank Letter of Credit No. 1019 for Oakhurst Fourth Addition Subdivision, as follows:

(RESOLUTION NO. 13-944)

President Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 9 to the Supplemental Development Agreement, TIF5 Series 2012-B, to the Annexation and Development Agreement between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 13-945)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Stanard & Associates, Inc., for professional services to develop and administer written and practical examinations for the Fire Driver-Engineer position, as follows:

(RESOLUTION NO. 13-946)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement for Construction on an Alabama Transportation Rehabilitation and Improvement Program (ATRIP) Project between the State of Alabama and the City of Huntsville; Project ACAA58618-DE-A195(935), formerly Project DEMO-A915; Project

Reference No. 100058618, formerly Project Reference No. 100054570; Bridge Replacement on CR-77 (Holmes Avenue) at Pinhook Creek (BIN#15230) in the City of Huntsville (Supplemental Agreement No. 2), as follows:

(RESOLUTION NO. 13-947)

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

President Russell read and introduced a resolution authorizing the Mayor to accept a grant from the Alabama Emergency Management Agency to provide funding for the training of Haz-Mat team members, as follows:

(RESOLUTION NO. 13-948)

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

President Russell read and introduced a resolution authorizing the Mayor to accept a grant from the Alabama Emergency Management Agency to provide funding for the support of the local Emergency Management agency, as follows:

(RESOLUTION NO. 13-949)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into a real estate sales

contract with SMC Enterprises, LLC, for the sale of an approximately 10-acre tract of land in Cummings Research Park, as follows:

(RESOLUTION NO. 13-950)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and Cityscapes, LLC, for parking modifications and easement for real property at Clinton Avenue and Monroe Street, as follows:

(RESOLUTION NO. 13-951)

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

President Russell read and introduced a resolution authorizing the Mayor to sign the plat entitled "Mark C. Smith Drive Subdivision," as follows:

(RESOLUTION NO. 13-952)

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

President Russell read and introduced a resolution authorizing the Mayor to sign the plat entitled "Dynerics Phase Five at Cummings Research Park West," as follows:

(RESOLUTION NO. 13-953)

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

President Russell read and introduced an ordinance authorizing the issuance of \$77,050,000 General Obligation School Warrants, Series 2013-C, and \$24,970,000 General Obligation Warrants, Series 2013-D, as follows:

(ORDINANCE 13-954)

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 Showers, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

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 Showers.

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

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

Mr. Joffrion submitted the following deed for approval:

(DEED)

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

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

President Russell asked if anyone would like to address the Council at this time.

There was no response.

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

\_\_\_\_\_  
PRESIDENT OF THE CITY COUNCIL

ATTEST:

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