

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, DECEMBER 4, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, December 4, 2014, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

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

President Russell called the meeting to order.

Rev. Jason Parks, Refuge Church in Providence, led the invocation; Councilman Culver 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 20, 2014, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Dr. Harry Hobbs and the other CAFY leadership to come forward, stating that there was a young person to be recognized as the Star 99.1/CAFY Young Citizen of

the Month.

Dr. Hobbs stated that he would turn the meeting over to Mr. Kenny Anderson.

Mr. Anderson stated that at this time they would like to acknowledge Daymond Billups as the Young Citizen of the Month. He asked him to come forward.

Mr. Anderson stated that Daymond was a senior at J.O. Johnson High School and was a member of Boy Scouts of America, Troop 400, and was currently working on the requirements for an Eagle Scout. He congratulated him for this. He continued that Daymond was a member of the SGA at Johnson and the Future Business Leaders of America. He continued that he had participated in community service projects for at least the prior seven years. He stated that, also, with all he had been able to do, he assisted his single mother in taking care of his siblings and grandmother. He stated that to him this was very commendable. He continued that they were celebrating him at this time as being the Star 99.1/ CAFY Young Citizen of the Month.

Mr. Anderson stated that they had some special things for Daymond at this time.

Ms. Sara Crocker of the Human Relations Commission of the City of Huntsville stated to Daymond that they were very proud of him and his accomplishments and presented a certificate to him, noting that he was the Star 99.1/CAFY Young Citizen of the Month.

Dr. Hobbs stated that Huntsville Utilities was joining the other partners involved in this to award the Young Citizen of the Month. He continued that on behalf of Huntsville Utilities, he was presenting a VISA gift card to Daymond.

Dr. Hobbs stated that DynCorp International was not represented at this time, but that they had asked him to present their gift pack, which he noted included another gift card, among other gifts.

A representative of Rocket City Broadcasting/Star 99 congratulated Daymond and presented him with a gift bag.

Mayor Battle presented Daymond a coin from the City and thanked him for being such a great citizen.

Councilman Kling read and introduced a resolution commending Betty Gaylor for her outstanding service to the Beautification Board and to District 4, as follows:

(RESOLUTION NO. 14-925)

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 stated that Ms. Gaylor was an outstanding person whom he had known and worked with for several years. He continued that it was persons such as Ms. Gaylor who made the community a great place. He stated that he had really enjoyed working with her. He stated that she served as one of the

Council appointees to the Beautification Board and was also involved with the Green Team, the Huntsville Community Development Advisory Board, and the Madison County Community Emergency Recovery Team. He continued that she was very active in the Holiday Homes Neighborhood Association and the Beautification Committee of the Neighborhood Association. He stated that these were just a few of the many achievements that she had attained.

Councilman Kling stated that Ms. Gaylor had been a great person to have known and worked with for the prior several years and stated to her that he was proud to present the resolution to her, on behalf of the Mayor and the City Council. He thanked her for everything she had done for Huntsville and for the District.

Ms. Gaylor expressed appreciation for the recognition. She stated that she was very appreciative for her health, which she noted allowed her to participate in her many activities. She urged everyone to clean their yards and streets and keep the city beautiful. She also urged them to help their neighbors who were not able to do this so that their yards would not grow up and be unsightly.

Councilman Kling stated that Ms. Gaylor kept him busy, noting that he got frequent emails and phone calls from her on various matters to work on. He continued that she was a great advocate for the neighborhoods in his district. He stated that he greatly appreciated the many things she did.

Councilman Showers read and introduced a resolution congratulating Elder Marcus Lanier, Christ Temple Apostolic Center, upon his Pastoral Installation Service and banquet, as follows:

(RESOLUTION NO. 14-926)

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

Councilman Showers stated that he would be presenting the resolution on behalf of the Mayor and the Council at the event to be held at the Bob Harrison Senior Wellness and Advocacy Center on December 6, 2014, at 12 o'clock noon.

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

Councilman Showers read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying west of Zierdt Road and on the east side of Arnett Road as Residence 2-A District, at the January 22, 2015, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-927)

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

Councilman Showers read and introduced Ordinance No. 14-928, zoning newly annexed property lying west of Zierdt Road and on the east side of Arnett Road as Residence

2-A District.

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

Mr. Ronald Robinson, 2452 Mt. Vernon Road, appeared before the Council, stating that he wished to speak concerning garbage pickup. He stated that there had been an incident in his subdivision which had started around the 6th or 7th of November. He stated that their normal garbage pickup day was Wednesday. He continued that there was a vacant home in the neighborhood, at 2429 Mt. Vernon Road. He stated that this home had been vacant for approximately two years and had been called in for grass cutting, et cetera, in the past.

Mr. Robinson stated that sometime between November 6 and November 8, the house had been emptied out and a bunch of trash and furniture had been placed all along the driveway, into the grass, and back into the driveway. He stated that he had thought that this would be picked up by the City on the 12th, which he noted was the normal pickup date. He stated that, however, it had not been picked up on that date. He stated that Friday was the make-up day, but that it had not been picked up on that day. He stated that he had called it in again on the following Monday, and then the 19th had come around, and this trash had not been picked up.

Mr. Robinson stated he had been out of town for Thanksgiving, and that when he returned the trash was still there, and he had called in again on December 1st. He stated

that the next pickup had been scheduled for the 3rd of December. He stated that he had gone to Councilman Showers' meeting and had asked him about this at that time.

Mr. Robinson stated that he had asked Councilman Showers what he wanted to ask the Council at this time. He asked if there was a provision that the City could pick up trash when the power in a residence was off. He stated that the house he was referring to had been hit by a storm in May or June and that this had torn down the power line, and the cables, noting that some of the tree limbs were still in the driveway.

Mr. Robinson stated that he had been advised by the neighbors that Huntsville Utilities had come by and had taken care of the power line, but that no one else had taken care of anything else. He stated that the cables were down along the driveway to the house and the meter box was hanging off the side of the house, the conduit was down into the dirt, and the tree limbs were still in the driveway. He stated that on the prior Saturday, someone had pulled a big pile of trash out.

Mr. Robinson asked if there was a way that the City could pick up trash no matter who put it out, the City, the owner, or whoever had cleaned out the house, and not leave it sitting like that for 3 1/2 weeks. He stated that he had talked to Mr. Hatfield about this, and he was going to look into why this had not been picked up.

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

Mr. Hatfield appeared before the Council, stating that Mr. Robinson had provided him some information concerning this, and he was going to look into the situation on the following day. He stated that normally if there were not utilities at a residence, the City would not pick it up, because the bills came from the Utility Department. He stated that, however, in a situation such as this, they should pick it up because there were neighbors around and the items could be thrown out into the street, et cetera. He stated that if they were aware of it, they normally picked it up. He reiterated that he would investigate this matter further.

President Russell asked Mr. Hatfield to reply directly back to Mr. Robinson concerning this, and also copy the Council on this matter.

Mr. Robinson stated that he certainly appreciated the attention to this matter.

Councilman Kling stated that he understood the billing situation in a matter such as this and asked if there would be a way that if there were a vacant house, they would pick up the garbage, do what needed to be done, and then put a lien on the property, noting that this would certainly get someone's attention. He continued that perhaps there could be a lien plus an administrative fee, to cover the time and trouble for this.

Mr. Hatfield stated that this might be a possibility, noting that he believed there were some State and Federal laws

that they could look into to determine if this would be a possibility.

Councilman Kling stated that he was aware that Community Development had done something similar to this, which he noted had helped in many instances. He stated that he would appreciate Mr. Hatfield looking into this.

Mr. Peter Proctor, 2214 Norris Road, appeared before the Council, stating that he would first like to acknowledge that the City leadership, especially Mayor Battle, had done an excellent job in communicating at Councilman Showers' meeting at the Showers Center, noting that this was most likely one of the most productive meetings of information he had ever witnessed. He stated that he had not had the opportunity to address some things with Mayor Battle because Mayor Battle had had to leave the meeting to go elsewhere. He stated that he had a question that he had not had the opportunity to address to Mayor Battle but that he had addressed it to the person in Urban Development, as well as Councilman Showers and Councilman Culver.

Mr. Proctor stated that what he had brought before them was his concern about the tax issue. He stated that he could not get deeply into this matter at this time because it was very sensitive and very complex, simply because they were dealing with economic empowerment and development.

Mr. Proctor stated that exploring the BIG Picture with the Academy had been great, but that his concern was the boxing in

in North Huntsville, with a high percentage of residents who did not have home ownership but were renters. He stated that he was concerned that in the future persons were going to be left behind as it related to bringing services and opportunities to this particular community. He stated that going after big business was great, to be able to create jobs, but that he was from Huntsville and he believed the city had a lot of talent and needed some home-grown individuals to be able to interact with the growth and the direction in which the City was going.

Mr. Proctor stated that his question was what they would do with the tax base money that came in, noting that the goal was to increase this tax base. He asked in increasing this, how much, percentagewise, or according to some type formula, would go into each district. He continued that in each district, persons were spending money with the businesses in their district. He asked if there was a percentage concerning this.

Mr. Proctor stated that Mayor Battle had advised them at the meeting that there was no specific formula or percentage but the Council did the best job they could concerning this.

Mr. Proctor asked if they could have a dialogue with the City Council and Mayor Battle to discuss how they could get a better understanding concerning the tax base money and how it was being distributed, and if they could create a formula, or a percentage, that could go into certain areas because of

economic disadvantage.

Councilman Showers stated that he believed the Council had a work session scheduled for December 11 and asked how many items were on the agenda for this meeting.

President Russell stated that most likely there would be only one item.

Councilman Showers asked Mayor Battle if there would be sufficient time between this time and the time of this work session to include the discussion to which Mr. Proctor had referred.

Mayor Battle stated to Councilman Showers that they could certainly commence conversation concerning this, noting that, however, if Mr. Proctor was asking them to divide out per area what money was spent, that would be a long, long process, if they could get down to how many roads they paved in these areas, how many potholes were filled, how much services they had, how many calls for service they had, et cetera. He stated that this would be taking a \$333 million budget and dissecting it, which he reiterated would be a long, long process.

Mayor Battle stated that he believed they could have a conversation concerning this, as to how the money was applied and how it worked. He stated that there was some money that was just basic administration money that was never put into a district. He reiterated that they could have a conversation concerning this but noted that getting down to specifics on it would require a good bit of time, and most likely a team of

accountants to break down every dollar and where it was all going.

Councilman Showers stated that perhaps they could look at a future date when the administration would be ready to get to the specifics of this, and they could let it be known to the public, Mr. Proctor especially, when such date would be that the Administration could be specific on this inquiry. He continued that, however, this would not be on December 11, at the scheduled work session.

Councilman Showers stated to Mr. Proctor that the Administration would let the public know when they would deal with this question.

Mayor Battle asked Mr. Proctor if what he was looking for was for this information to pretty much be divided by Council districts.

President Russell stated that they could not have this conversation in this manner at this time. He stated to Councilman Showers that perhaps he could meet with Mr. Proctor concerning this, and that if he would explain to him what needed to be done, he would try to arrange for it. He stated that they could call Mr. Proctor to the microphone and continue this discussion.

Councilman Showers stated that he would like for the record to reflect that because a citizen had raised a question, he wanted to give the Administration the opportunity to do the necessary research and to come back to the public and deal with

the question. He stated that they would not be setting a date concerning this at this time.

President Russell recognized Ms. Jackie Reed, noting that the Council was sorry to hear about her injury.

Ms. Reed thanked President Russell for his concern. She stated that she had broken her arm.

Ms. Reed stated that she had attended a County Commission meeting recently and noted that each of the Commissioners had discretionary funds, which she noted she called "Pork Funds." She asked that the Council not start this. She continued that if someone in a district needed money, this should be taken to the Mayor and brought to a work session and determine what would need to be done concerning the matter. She stated that she also did not believe the County should be doing this.

Ms. Reed stated she would like to thank everyone who had participated in decorating the city, noting that it looked very good. She stated that she certainly hoped that persons would let the ornaments stay on the Christmas trees.

Ms. Reed stated that Huntsville was a beautiful city, with beautiful people.

Ms. Reed stated that she would like for item 15.e on the agenda, Resolution No. 14-948, to be held.

Ms. Reed thanked all the City employees for the great job they did. She thanked Joy McKee and Jerry Cox for getting Holmes Avenue cleaned up.

Ms. Reed stated that she was still concerned about the

Holiday Inn property, noting that she wished she could let it go but she could not. She stated that she was concerned about the Scruggs Center and the Aquatic Center, as well as the 99-year lease. She stated that they should go back to 50 years. She stated that the Aquatic Center and the Scruggs Center should remain in this area, that this was the only thing they had in the center of the city.

Ms. Reed stated that they wanted to put everything downtown, that they were putting a lot of money into the downtown area. She asked where all these persons would be able to park. She stated that they kept giving land away and bringing in big developers. She asked that they look around the city and see property that was empty, that nothing was sitting on. She stated that they needed to look for property for downtown, that they needed to look into this fairly quickly, prior to continuing development.

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

Councilman Showers nominated Dr. Terrance Vickerstaff for appointment to the Alabama Constitution Village/Historic Huntsville Depot Board.

Councilman Showers nominated George T. Hamilton for appointment to the Advisory Commission on Accessibility, for a term to expire January 10, 2018.

Councilman Kling nominated James R. Ledbetter for reappointment to the Solid Waste Disposal Authority of the City

of Huntsville, First Director, for a term to expire January 1, 2019.

Councilman Kling nominated Dr. Eddie Greene for reappointment to the Advisory Commission on Accessibility, for a term to expire January 10, 2018.

Councilman Kling nominated Roberta Ray for reappointment to the Advisory Commission on Accessibility, for a term to expire January 10, 2018.

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

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

(RESOLUTION NO. 14-929)

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

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

President Russell asked Councilman Showers if he had a Finance Committee Report.

Councilman Showers 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 he would like to remind everyone that the City Christmas Parade would be held on the following

Saturday, at 12 noon, and would be starting in front of the Civic Center.

Mayor Battle stated that there would be a lot of activities during the holiday season in the downtown area, and throughout the city, including the Galaxy of Lights, the Tinsel Trail, ice skating, and Santa's Village.

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

Councilman Culver thanked Mr. Tommy Brown, Director of Parking and Public Transit, for having furnished the buses and the staff for transporting the persons to the dinner for the homeless at Macedonia Church. He also thanked his students from Alabama A&M University for their assistance at this event.

Councilman Culver commended Councilman Showers for his recent outstanding town hall meeting, noting that very good information had certainly been provided to the citizens at this meeting.

Councilman Kling stated that Vernon Bearden had recently passed away. He continued that Mr. Bearden had been involved in numerous boards in the community. He stated that he had been a good friend of his, a great person to work with, and that he would be greatly missed.

Councilman Kling asked that someone from the Inspection Department check out the vacant lots along Triana Boulevard, between 7th Avenue and 8th Avenue, noting that there was a lot of garbage and trash there. He stated that the field

had been being utilized for soccer games, and he was glad to see the field being utilized in that manner but that the garbage and trash on the property should be cleaned up.

Councilman Kling stated that on Monday, December 15, he would be holding his monthly town meeting at 7 p.m. at the Library. He stated that everyone was invited and that he was looking forward to hearing from citizens at that time.

Councilman Kling stated that he had recently attended the Holiday Homes Neighborhood Association meeting, and that on the following Monday he would be attending the Triana Village neighborhood meeting, as well as the Rocket View neighborhood meeting.

Councilman Kling stated that on Saturday, December 13, there would be a ceremony to lay wreaths in honor of veterans, at Maple Hill Cemetery, at 11 a.m. He stated that this was being sponsored by the Wreaths for Veterans Association, noting that this was something very important to do at this time of the year.

Councilman Kling asked Mr. Terry Hatfield if he could provide an update on the status of London and Gallalee, as far as the status for the resurfacing of these streets.

Mr. Hatfield stated that the next phase they would be working on would be streets that ranked 40 to 44, and that these streets fell in that category, so that they would be included in the next phase.

Councilman Showers stated that he was delighted to report

at this time that he had had his final town meeting for the year, and that they had had a very good turnout. He stated that the City Administration, including Mayor Battle and several administrators, were there to speak to the public. He stated that the citizens who had been present had had an opportunity to have their questions answered. He thanked the Mayor and the Administration for being in attendance, as well as the citizens who had attended this final meeting for the year. He stated that the persons who had been present and had received agendas had been given the future dates for the 2015 town meetings, which he noted would commence in March of the following year.

Councilman Showers asked Mr. Hatfield to come to the microphone.

Mr. Hatfield appeared at the microphone.

Councilman Showers stated that a homeowner had spoken earlier in the meeting about some trash that had been left on the driveway of a home that had not been picked up in a timely manner. He asked if any of this had been picked up after the prior meeting where this had been discussed.

Mr. Hatfield replied in the affirmative.

Councilman Showers thanked Ms. Pearlie Stamper of the Council office for being in attendance at his town hall meeting and providing the great refreshments. He stated that, also, Ms. Joy McKee had provided door prizes at the meeting.

Councilman Showers stated that all the City employees were

due a big vote of thanks for the outstanding job they did. He stated that at times the Council would get the credit but that the employees really did the work, and that he wished to thank them for what they did for the citizens of the city.

Councilman Showers stated that at this time the nation was in a crisis, that everyone had witnessed the recent murders of two black men, with one being Mike Brown in Missouri and the other one being Eric Garner in New York. He stated that there had been a failure of the justice system to bring charges against the police officers involved in these incidents who had committed the crime. He stated that because of this failure, many law-abiding and God-fearing citizens of all races and nationalities had taken to the streets, to peacefully protest the injustice that had taken place in those two cases.

Councilman Showers stated that Martin Luther King, Jr., had stated in years past: "Injustice anywhere is a threat to justice everywhere." He stated that this was as true at this time as it had been at the that time.

Councilman Showers stated that it was because of that fact that he felt compelled to comment on this at this time. He stated that Huntsville must come to the table of justice and be mindful of the danger that injustice carried. He continued that they must be careful to examine their own process and be willing to clean up any vestiges of discrimination, racism, and injustice they would find.

Councilman Showers stated that the true character of the

nation, and of the City, was the willingness of its leaders and citizens to acknowledge its shortcomings and to take the right, although tough, actions to look for and root out injustice everywhere it would be found. He stated that they had to start with the man in the mirror, that persons must be willing to acknowledge the truth of the hour, which was racism. He stated that persons were their brothers' keepers, whether black, white, brown, or other skin color. He stated that skin color should not determine the life expectancy of a human being.

Councilman Showers asked that the Mayor, the Police Chief, and the Council members be proactive and not reactive in this situation. He asked that they make the commitment to change, to dare to be different. He continued that they should examine themselves and pull off the old man and put on the new. He stated that all were guilty of not putting their best foot forward. He stated that, however, they were yet in the land of the living and had the opportunity to change and to make a difference.

Councilman Showers stated that he would say personally to Chief Morris, the Police Chief, to make a difference, to let the officers understand that although they valued and appreciated their service, they would not hesitate to hold them accountable for actions that might be unbecoming of an officer. He stated that all the ticketing and the harassment of persons of color in the city needed to be stopped immediately. He asked Chief Morris to challenge the officers to be respectful

and tolerant, to build an element of trust and respect. He stated that this could certainly be done if the officers were willing and the leadership was willing, noting that he believed they were.

Councilman Showers stated that the City was known for its space contributions, that they had been able to contribute to conquering the unknown, but, yet, they had trouble in conquering the barriers of racism and injustice. He stated that, however, these barriers were not insurmountable, that they could overcome, and that together they would overcome. He stated that he was somebody, that another person was somebody, that everyone was somebody.

Councilman Showers challenged everyone to recommit to the Biblical principal that superseded all others, being the principal of love, which was the greatest, to love thy brother as thy loved thyself. He asked that the Mayor, the Police Chief, the Council Members, and the citizens of Huntsville make a difference.

Councilwoman Robinson stated that she had missed the prior Council meeting, as had Councilman Showers, because they were attending the National League of Cities Conference in Austin, Texas. She continued that this had been a very valuable experience, noting that she had attended a half-day session on economic development, as well as a great session on public safety technology, which had been very interesting. She stated that she had also attended a session on municipal bonds and had

learned that the City's AAA rating was very rare and was something of which they could be tremendously proud. She stated that she believed the best session she had attended was a full day session on the role of elected officials in times of disaster. She stated that this conference had been a great experience and expressed appreciation to the Council for making it possible for her to attend.

Councilwoman Robinson thanked Mayor Battle for the effort he had put into the situation on Green Mountain and how they had worked through this, noting that this was an example of how the City worked with its citizens.

Councilwoman Robinson stated that she had recently had members of her family visiting for the Thanksgiving holiday and that they had been very impressed with the city in which they had grown up and all the activities that were going on. She continued that they had had the opportunity to visit with Jeff Easter and his staff at General Services, noting that she had learned that they were the ones behind the scenes helping to make a lot of the things that were occurring in the city possible.

Councilwoman Robinson stated that sometimes they forgot about the City staff that was working so quietly in the background to make wonderful things happen for the city. She thanked all the departments for working so hard to make the City a great place for the citizens to live and to enjoy during the holiday season.

President Russell stated that the Council would be holding a work session on the following Thursday at 5 p.m. He stated that the agenda was ever changing but that as of this time, they would be talking about Post Office closings, as well as other items that might be added to the agenda. He stated that the agenda for this meeting would be posted on the following Tuesday.

Councilman Kling stated that he would like to correct a statement he had made earlier. He stated that he had intended to ask about Downing Street. He continued that he had checked with Mr. Hatfield concerning this and had been advised that it was in the same neighborhood and was on the list and would be taken care of.

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

President Russell moved for approval of 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, which ordinance was postponed at the November 20, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-917)

Said motion was duly seconded by Councilman Kling.

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

Mr. Joffrion stated that this was a very small tract of

land on Hall Street, which he noted was fully encumbered by a utility easement running through the middle of the property. He stated that the property had very little value, that it had been appraised for \$3500. He stated that a structure could not be built on this property. He stated that the following item on the agenda was related to this, that it was a purchase and sale agreement to be entered into if the Council declared this property surplus.

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

Councilman Showers stated that there had been concern about where this particular property was located, whether it was in District 1 or District 4. He stated that he had been provided information that the property was located in Councilman Kling's district, District 4, rather than in his district, District 1.

Councilman Kling stated that there had been some questions raised by some citizens and that because of the Council carrying this matter over from the prior meeting, the questions had been addressed and the neighborhood citizens were on board with it.

President Russell called for the vote on Ordinance No. 14-917, and it was unanimously adopted.

Councilman Kling moved for approval of 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 the purchase of real property described as Lot 3 of Block 3, Second Clinton Addition to the City of Huntsville, which resolution was postponed at the November 20, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-918)

Said motion was duly seconded by Councilman Showers.

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.

President Russell moved for approval of 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, which resolution was postponed at the November 20, 2014, Regular Council Meeting, as follows:

(RESOLUTION NO. 14-919)

Said motion was duly seconded by Councilwoman Robinson.

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

Councilman Showers stated that he wanted to say for the record that he would be supporting this resolution, the three bidders who had submitted their bids. He thanked the Council for holding this resolution over to this date as he had not been present at the prior meeting.

Councilman Showers stated that he did want to say to the winners of the contracts and to the Administration that before any of these three contractors would be officially awarded the bid, they provide the Council and the Administration copies of their Workmen's Compensation.

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.

Councilman Showers noted that Mr. Jeff Easter was at the microphone and stated to him that he did want it to be clear that before they acted on the three contracts, the contractors would provide documented proof that they had workmen's compensation on their employees.

Councilman Showers stated to Mr. Joffrion that he understood that State law indicated that if a company had three or fewer employees, it did not have to provide workmen's compensation. He asked Mr. Joffrion if that was correct.

Mr. Joffrion stated that there was a threshold requirement but that he was not certain if it was three employees. He continued that he believed one of the subject companies did not meet the threshold and would not be required to provide workmen's compensation insurance.

Councilman Showers stated that he would have some problems with that statement because of the information that he had,

with the company having several trucks and all the equipment that was required. He continued that he did not see how the company could exist with only three employees. He continued that if this were the case, that would not qualify them. He stated that if any of the three companies would say they only had three or fewer employees, he believed there would have been a misquotation of the original contract statement that had been submitted to the Council. He stated that based on that information, all three of the contractors would have more than three employees.

Councilman Showers asked Mr. Easter if that was correct.

Mr. Easter stated that he did not know the number of employees per company. He continued that prior to the award of the contracts, his department would work with Procurement and Legal to ensure that everything was in place prior to proceeding.

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

President Russell read and introduced Ordinance No. 14-930, transferring one (1) Mental Health Center Driver position to the City Public Transit Paratransit Program.

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 apply for a grant with the U.S. Department of Homeland Security (DHS) regarding the FY 2014 AFG

Assistance to Firefighters grant program, as follows:

(RESOLUTION NO. 14-931)

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

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

(RESOLUTION NO. 14-932)

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

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

(ORDINANCE NO. 14-933)

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

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. 14-934)

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

and was unanimously adopted.

President Russell read and introduced a resolution accepting donation of real property, as follows:

(RESOLUTION NO. 14-935)

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

President Russell read and introduced a resolution authorizing condemnation proceedings to acquire a permanent, exclusive sanitary sewer easement on, over, and upon a parcel of land for the Knox Creek Sanitary Sewer Extension Project, as follows:

(RESOLUTION NO. 14-936)

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

President Russell read and introduced a resolution approving the Articles of Amendment of the Restated Articles of Incorporation of Huntsville Emergency Medical Services, Inc., as follows:

(RESOLUTION NO. 14-937)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City

of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Lawrence County Commission (SNS), as follows:

(RESOLUTION NO. 14-938)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Cullman County Commission, as follows:

(RESOLUTION NO. 14-939)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Marshall County Commission (SNS), as follows:

(RESOLUTION NO. 14-940)

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

President Russell read and introduced a resolution

authorizing the Mayor to execute an agreement between the City of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Morgan County Commission (SNS), as follows:

(RESOLUTION NO. 14-941)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Jackson County Commission (SNS), as follows:

(RESOLUTION NO. 14-942)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Limestone County Commission (SNS), as follows:

(RESOLUTION NO. 14-943)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville, dba the Huntsville-Madison County Emergency Management Agency, and the Madison County, Alabama, Commission for the transfer of grant funds (4LEL), as follows:

(RESOLUTION NO. 14-944)

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

President Russell read and introduced a resolution authorizing the City Council to amend the contract between the City of Huntsville and Christopher Professional Enterprises, Inc., for Redstone Gateway Extension, Market Street and Overlook Road Relocation, Package 1F-2, Water Systems, Project No. 65-11-SP22, by Change Order No. 3, as follows:

(RESOLUTION NO. 14-945)

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

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, Knight Sign Industries, for Downtown Huntsville Wayfinding Sign System Master Plan, Project No. 65-15-SP06, as follows:

(RESOLUTION NO. 14-946)

President Russell moved for approval of the foregoing

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

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 21 to the Supplemental Development Agreement, TIF5 Series 2010-B, between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 14-947)

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

President Russell read and introduced a resolution authorizing the Mayor to execute First Amendment to Option Agreement to Lease Real Estate, among the City of Huntsville, Avenue Huntsville, LLLP, and Sealy Property Development, LLC, as follows:

(RESOLUTION NO. 14-948)

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

(Councilman Culver is not present in the Council Chambers.)

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

Mr. Joffrion stated that the Council had approved the original option agreement sometime prior, but that the developer had purchased an additional parcel of property and

wanted to add this to the development. He stated that the property as originally proposed was like a horseshoe-shaped tract of land, with the center portion being privately owned by another party. He continued that the Sealys had now purchased this property and wanted to add it to the development so that it would be basically a rectangular-shaped tract of property. He stated that the primary amendment to the option agreement concerned the addition of this land. He stated that they were donating the land to the City as additional consideration for the ultimate development agreement to be negotiated between the parties. He stated that the agreement also clarified the different kinds of consideration that would be granted to the City for this development.

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

There was no response.

President Russell noted that Councilman Culver was not present in the Council Chambers.

President Russell called for the vote on Resolution No. 14-948, and the following vote resulted:

AYES: Showers, Robinson, Kling, Russell  
ABSENT: Culver  
NAYS: None

President Russell stated that the above resolution had passed 4 to 0, with Councilman Culver not being present in the Chambers.

President Russell read and introduced a resolution authorizing the Mayor to execute a License Agreement between the City of Huntsville, Alabama, and Dwight Wright, as follows:

(RESOLUTION NO. 14-949)

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

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

(Councilman Culver is now present in the Council Chambers.)

Mr. Joffrion stated that this was a re-do of the license agreement with Dwight Wright for the construction of a fence within the right-of-way on Kildare Street, within the city of Huntsville. He stated that all terms as originally proposed had been agreed to and accepted by Mr. Wright. He continued that the agreement could be revoked by the Council, at its discretion, if it deemed there would be a need to do so, at some point in the future. He stated that Mr. Wright was adding the City and all its employees as additional insureds on his general liability policy, in the event that there would ever be a claim against either Mr. Wright or the City as a result of the fence being in place.

Mr. Joffrion stated that, otherwise, the conditions and terms that were contained in the original license agreement had been included in this. He stated that there was much greater

specificity about the materials and the construction of the fence contained in the license agreement.

Mr. Joffrion stated that he would be happy to answer any questions concerning this matter and noted that Mr. Wright was present at the meeting and could also answer any questions that the Council members might have.

Councilman Kling stated that he was glad to see that something had been worked out concerning this matter, noting that he believed they all liked to see historic preservation, knowing what it meant to the community. He stated that there were several neighborhoods in West Huntsville and in the Downtown area where they were seeing good actions taking place, and that he felt this could be a good catalyst.

Councilman Kling stated that he had heard discussions that this property would be turned into a bed and breakfast facility and asked if the property owner was guaranteeing and committing that if the City made all this consideration to him, he would go ahead and do the bed and breakfast that had originally been discussed.

Mr. Joffrion stated that he did not know what Mr. Wright intended to do with the house, noting that that was not part of the license agreement.

Councilman Kling asked if the historic preservation of the house was not being protected.

Mr. Joffrion stated that the house was being protected, but that whether or not Mr. Wright chose to use it as a bed and

breakfast was not part of the agreement.

Councilman Kling asked if it was part of the agreement that the house, which he thought was historically significant, could not just be bulldozed down and condos constructed at the location, or anything such as that. He asked if even though it was not located in a historic district, it would still be protected as part of the owner's consideration for what the City was doing for him.

Mr. Joffrion reiterated that this was not a commitment in the agreement. He stated that, however, they should keep in mind that the Council could revoke the license agreement at any time. He continued that if Mr. Wright should chose to do something to alter the structure, the Council could revoke this license.

Mr. Joffrion stated that this was not a part of the original proposal, although it was Mr. Wright's intention, and always had been, to preserve the house, noting that this was why he had wanted to construct the fence in the first place, to make this easier.

Mr. Joffrion stated that Mr. Wright was present in the audience if the Council members had any questions to direct to him.

Councilman Kling stated to Mr. Wright that he was in favor of this resolution and wanted to support it. He asked Mr. Wright if it was his intention that the house would be historically preserved and maintained.

President Russell asked that Mr. Wright go to the microphone and introduce himself.

Mr. Dwight Wright, 2005 Kildare Street, appeared before the Council, stating to Councilman Kling that the answer to his question was that his intention had always been to preserve the McCormick House, noting that this was the reason for the fence. He continued that having the fence in place would assure the protection of the McCormick House, and that was why he had fought so hard to make sure the fence could stay. He continued that the fence helped preserve the house, that they went hand in hand, that having the fence in place he believed protected the house.

Councilman Kling stated that he felt it was good that the intent was that the house would be preserved. He stated that nearby to that house was the Lowry House which had been preserved. He continued that he was glad to see matters such as this worked out. He stated that he believed this would be a good catalyst for other neighborhoods in that section of the city.

Mr. Wright stated that he was glad Councilman Kling had brought up that point, noting that he believed they did go hand in hand. He continued that he saw having the fence in place as protection for the house, and that he certainly hoped the Council would always want to keep the fence in place and not do anything to endanger the house. He continued that, in his mind, endangering the fence would endanger the house.

Councilman Showers stated he would like to commend Mr. Wright for staying with this matter and not giving up. He stated that he believed the citizens who resided in that area, as well as the city in general, were delighted that at this time the Council would finally be approving something for which Mr. Wright had fought so hard. He thanked him for this.

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

There was no response.

President Russell called for the vote on Resolution No. 14-949, and it was unanimously adopted.

Councilman Showers moved for approval of a request for City Council approval for a Special Events Alcoholic Beverage License Application for Alabama Constitutional Village Foundation, Inc., for a Remington Community Event to be held at the Roundhouse Depot on December 11, 2014, which motion was duly seconded by President Russell.

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

There was no response.

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

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the Alabama Constitution Village Foundation, Inc., for a Remington Community Event, as follows:

(RESOLUTION NO. 14-950)

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

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

There was no response.

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

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 Utility and Drainage Easement, Lot 4, Lily Flagg Acres 5th Addition (Ailes: Camille Drive), as follows:

(ORDINANCE NO. 14-951)

President Russell moved for approval of the foregoing ordinance, 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 Non-Roster Communications from the Public.

Ms. Jackie Reed again appeared before the Council, stating that she had recently read in the newspaper that Sci-Quest had filed for bankruptcy and that she was concerned about this.

She stated that she was sad that the Council had not provided this group \$50,000 when they had begged for this money. She stated that she believed they should try to help them, noting that this was some of the best education in the city, to be able to take children out to see this. She stated that she was aware that they were not located in Huntsville at this time but were in Madison, and that that was the reason the City had not supported them. She stated that if they saw any way at all to help these persons, she would like for them to do so, noting that this was something that they needed to keep, wherever it would be located.

Ms. Reed stated, concerning comments that had been made by one of the Council members about what was going on in other cities, that they needed to stop these racist issues. She stated that they were all God's people and should look at it in that manner, that it was not about color. She stated that she wrote a column in an African American newspaper, *Speakin' Out News*, every week, and that these people came and hugged her at her work and thought the world of her. She stated that she took on a lot of issues, that sooner or later everyone got caught up in that newspaper one way or the other. She stated that, as her son said, if persons made her mad, she wrote about them.

Ms. Reed stated that they needed to stop using the word "racist," noting that she was certain the Mayor and the Council did not want to have in the city what was being seen across the

country. She stated that they had to work together and they should not bring up racism, that they were all God's people. She stated that they should all work together and that whatever people needed, they should bring it forward, and they should have a work session and find out what each community needed. She stated that all of the Council members should be working for all the people across the city, not one district. She stated that she lived in everyone's district and she wanted the Council members to also.

Councilman Culver stated to Ms. Reed that Sci-Quest was at this time located within the city limits of Huntsville, on Highway 72 West, which he noted was in District 5, the district he represented. He continued that they had been able to find some funding for Sci-Quest, in the amount of approximately \$200,000. He stated that this was with the knowledge that Sci-Quest would be filing for bankruptcy, in an attempt to reorganize, noting that he believed they were filing a Chapter 13 reorganization. He stated that the City could certainly not afford to lose such an awesome museum. He stated that Huntsville was a very high-tech city and needed these kinds of experiences for children to engage in, hands on. He stated that they intended to do all they could to keep Sci-Quest in the city and that he believed they would become financially viable through the filing of the bankruptcy.

Mr. Steve Gaffin, 3707 Clopton Street, appeared before the Council, stating to Councilman Kling that he would like to

invite him to their cookie social on the following Saturday.

Councilman Kling stated that he already had that lined up and would be in attendance on that day for the event, which he noted would take place from 6 to 8 p.m. at Craig McDade's house.

Mr. Gaffin stated that the other Council members were also invited and that the address for the event was 3511 Bradley Street.

Mr. Gaffin stated that he was also appearing before the Council as President of the Merrimack Mill Village Organization and that earlier in the day he had heard about an issue that he would like to bring before the Council at this time. He stated that on Cedar Avenue, where the Jim Marek Park was going in, some barricades had been put in to do some traffic studies to determine if it would be feasible to cut off that street. He continued that some persons from the Holiday Homes neighborhood had been running through these barricades, moving the barricades, and that citizens of Merrimack Village had been trying to keep these barricades in place. He stated that he just wanted to make the Council aware of this issue, noting that he had just heard about it.

Mr. Jerry Cox, 4029 Telstar Circle, appeared before the Council, stating that as Vice President of the Huntsville Chapter of Retired Federal Employees, he would like to thank the Council for placing the issue of the Post Office closings on the agenda of an upcoming work session. He thanked

Councilman Showers for joining with them a few weeks prior when they had held an informational demonstration at the Post Office on Clinton Avenue. He stated that the public needed to be aware of the proposed cut to the Postal Service. He stated that he looked forward to attending the work session concerning this matter.

Pastor T.C. Johnson, 1800 Sparkman Drive, appeared before the Council, stating that he had listened to Councilman Showers' well-stated remarks and had also heard the remarks of his friend, Ms. Reed. He stated that in the military, one of the things they had been taught was that they must first identify a problem. He stated that one of the issues concerning this matter was that persons hated to talk about the problem. He continued that they could not solve a problem and deny a problem at the same time.

Pastor Johnson stated that the statistics that indicated that there was something wrong and a very bad disparity were quite clear. He stated that 30 percent of the neighborhoods in Huntsville got more than 50 percent of the citations, and that the only variable was that these persons were black. He continued that three ZIP Codes out of ten got more than 50 percent of the citations. He stated that hopefully this was changing.

Pastor Johnson stated that on the police force, 90 percent of the officers were white. He stated that of the 600 employees of Huntsville Utilities, where most of the salaries

went outside the service area, very few were minorities.

Pastor Johnson stated that when this was looked at, it was not that someone was saying "racist," but that with the statistics he got from the City, the only variable was race.

Pastor Johnson stated that the two murders that had been mentioned by Councilman Showers had had to do with race, noting that they did not see persons treated in that manner, especially the manner in which the person in New York had been treated.

Pastor Johnson stated that recently in Huntsville, there had been a case he had read about in the newspaper where a young, white male had been killed by police officers.

Pastor Johnson stated that if they were going to fix a problem, they had to identify it and ask why it looked that way, why the statistics looked like that. He stated that persons should be alarmed about the statistics concerning the three ZIP codes he had mentioned. He stated that he had been commenting on this for almost ten years and asking why it was happening, questioning the validity of the citations.

Pastor Johnson stated that he appreciated what Chief Morris had done and was doing, noting that he had a lot of faith that if the Mayor supported him, they would do better. He stated that they could not turn back the hands of time, that policies had to be put in place at this time to ensure that they could say to all citizens that yes, this had been happening but this was what they had now done.

Pastor Johnson stated that he wished all the citizens could have been in attendance at the recent meeting so that they could have heard Captain Malone in his answer, noting that he was the first officer who had ever satisfied the community with his answers to the police situation.

Pastor Johnson stated that when persons started talking about race in Huntsville, people froze up. He continued that they could not solve the problem in that manner, that they had to lay it on the table. He continued that they could not change what had happened in the past but they could go forward, with better policies and better practices in order to prevent the statistics from making it appear, at least, that there was a race problem in the city.

President Russell asked if there was anyone else who wished to address the Council at this time.

Councilman Showers stated that at his recent town meeting, there was a young man that had attended and who was in the audience at this time. He stated that he was one of the City police officers and at this time he was on loan to the Mayor's office. He stated that he would like to congratulate him and acknowledge his presence. He recognized Officer Tory Green and thanked him for being in attendance at the meeting.

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

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

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

ATTEST:

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