

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, FEBRUARY 12, 2015

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, February 12, 2015, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President: Russell
Councilpersons: Showers, Robinson, Culver, Kling
(Culver not present for entire meeting)
Mayor: Battle
City Administrator: Hamilton
Assistant City Attorney: Anderson
City Clerk-Treasurer: Hagood

President Russell called the meeting to order.

Rev. Carol Landry, Pastor, Unity on the Mountain, led the invocation; President Russell led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on January 22, 2015, were approved as submitted.

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

President Russell recognized Mayor Battle.

Mayor Battle asked Kenny Anderson to come forward, stating that there would be the presentation of the STAR 99.1/CAFY

Young Citizen of the Month.

Mayor Battle recognized Kenny Anderson.

Mr. Anderson asked that members of his team and the STAR 99.1/CAFY Young Citizen of the Month, Katie Shattuck, come forward.

Mr. Anderson stated that Katie was a 2015 graduating senior from Huntsville High School and was a member of the Honor Society. He continued that she had been a tutor for the James A. Lane Boys & Girls Club for the prior seven years and that she and her team had logged almost 750 hours of tutorial service, noting that this was absolutely outstanding. He stated that she had chaired Interfaith panels to promote understanding among students and she had participated in mission trips to a Choctaw reservation, as well as Mexico, to provide persons with a better quality of life.

Mr. Anderson stated that he would like to present the STAR 99.1/CAFY Young Citizen of the Month, Katie Shattuck.

Mr. Anderson stated that Sara Crocker of the Human Relations Commission had a short presentation.

Ms. Crocker stated to Katie that they were so proud of her. She presented a certificate to Katie, noting that it stated that they were so proud to honor her as the Young Citizen of the Month.

Dr. Harry Hobbs presented some gifts to Katie, stating that she had such an exciting life as she went about being a service leader and serving others that they wanted to present

these to her to use as she went about doing that.

Mayor Battle presented a coin from the City and expressed his appreciation to her for being such a great influence on the city and making the city such a shining star.

Mayor Battle asked Mr. Greg Patterson, Director of Parks and Recreation, to come forward, stating that he had some youth to be recognized at this time. He also asked Coach Eric Cohu to come forward. He stated that they would be recognizing All-State football players. He stated that these players attended Madison Academy, noting that they had just won their third consecutive state championship. He asked Coach Cohu to introduce the players.

Coach Cohu asked Malik Miller, Kerryon Johnson, Nathan Geis, and John Crider to come forward. He stated that these players were First Team All-State for the State of Alabama, as well as having several other honors. He stated that Kerryon Johnson had had multiple national recognition awards, being All-American, and that John Crider was also an All-American. He continued that Nathan Geis had set several State records during the year, consecutive PATs and the most PATs in the State championship game. He stated that Malik Miller had been a leading running back yardwise for the prior two years and had done an outstanding job leading the team. He stated that Kerryon Johnson had recently signed with Auburn University and that they were looking for big things out of him in his future collegiate career, and hopefully beyond.

Coach Cohu thanked Mayor Battle and the Council for allowing these athletes to be recognized at this time. He stated that they were honored to represent the city of Huntsville on a national stage. He stated that these players were also part of Madison Academy's three-year State championship repeat. He stated that they certainly appreciated the accomplishments of these players leading them this year.

Mayor Battle congratulated the team members.

Mayor Battle recognized Cub Scouts in the audience from Troop 361 at Holy Spirit Church, noting that they were great representatives of the city and future leaders of the city. He asked them to stand and be recognized. He thanked them for coming and being part of the city at this time and congratulated them on what they were doing with the Cub Scouts and on their future leadership in the city.

President Russell stated that the Administration had asked the Council to consider item 14.a on the agenda, Ordinance No. 15-84, by unanimous consent at this meeting. He continued that item 15.x on the agenda, Ordinance No. 15-117, also required unanimous consent. He stated that item 16.b.1 had been deleted from the agenda.

President Russell recognized Mr. Shane Davis, Director of Urban Development, for a presentation on the Holiday Inn/Hilton site. He stated to Mr. Davis that they were going to do the presentation at this time so that any members of the public who might wish to comment on this matter could do so during the

Public to be Heard portion of the meeting.

Mr. Davis stated that at this time he would like to bring before the Council CityCentre at Big Spring, noting that this would be a mixed-use development in the downtown urban core.

Mr. Davis made a PowerPoint presentation of the project.

Mr. Davis stated that the City of Huntsville had solicited Requests for Proposal in June of 2014 for the possible redevelopment of the former Holiday Inn property and the soon-to-be-vacated Williams Aquatic Center.

Mr. Davis stated that the RFP had required that a qualifying proposal be of a mixed-use development format that would provide an improved quality of life and an overall economic benefit to the city. He stated that they had received numerous proposals, and that upon evaluation of all proposals, the City staff, along with a team of Downtown Huntsville, Inc., officials, and Chad Emerson, had determined the CRS CityCentre, LLC, proposal provided the best positive impact for the community.

Mr. Davis stated that the project was a two-phased approach, and that the Phase 1 portion of the project would be the former Holiday Inn site, and the Phase 2 portion of the project would be the Williams Aquatic Center site.

Mr. Davis stated that CityCentre at Big Spring was a proposed multi-phased, mixed-use project. He stated that Phase 1 would include 230 multi-family units, maximum, with on-site management; an urban style hotel with 150 rooms;

28,000 square feet of retail space; and that currently scheduled was 30,000 square feet of office space. He continued that this number could actually increase.

Mr. Davis stated that Phase 2 would require a minimum of a 100-room second hotel and additional mixed-use components to be determined by market demand, which he noted could include additional retail, restaurant, and office uses.

Mr. Davis stated that, as he had just mentioned, in Phase 1, the City was guaranteed restaurants, retail, office, and hospitality.

Mr. Davis stated that what was being displayed at this time was the current proposed site layout of both Phase 1 and Phase 2 of the project. He stated that the areas depicted in blue were mixed-use components, noting that there would be a mix of office, retail, and restaurants. He stated that the area depicted in yellow at the corner of Williams Avenue, almost directly across from Thrasher Fountain, would be the first hotel, and that the portion depicted in red would be multi-family units that somewhat stood alone and then wrapped around a parking garage. He stated that to the bottom of the screen and to the left was the Phase 2 hotel. He stated that the remaining balance between the Phase 1 and Phase 2 hotel portion would be the future addition on the Phase 2 property.

Mr. Davis stated that, as the Council members were aware, the Council had previously adopted a resolution which allowed them to be in construction on the Downtown Gateway Project,

noting that this was the area depicted in dark gray. He continued that this also included connecting Davis Circle to the current round-about, so that the round-about would be complete. He stated that this would provide great circulation not only for this project but for the downtown urban core to handle mixed-use developments such as this.

Mr. Davis stated that he wanted to show the Council a few project concepts, as to what the rendering of the proposed development would look like in scale. He stated that to the left one could see that he had labeled Big Spring Park and noted that there was Williams Avenue to the southeast. He stated that what was being displayed at this time was a view looking across from the VBC down Williams Avenue, back toward City Hall to the east, and Twickenham at the intersection there.

Mr. Davis stated that what they were bringing before the Council at this meeting was a development agreement and a lease agreement for their consideration for adoption. He stated that he would go over the terms at this time.

Mr. Davis stated, concerning City of Huntsville Commitments, that the City of Huntsville would perform the demolition and removal of the former Holiday Inn, including foundations. He stated that they had commenced on this process, not so much as to attempt to pressure the Council into approving the items that would be before it later in the meeting, but because the Holiday Inn had been closed many

months prior, and that whether they moved forward on this project or not, although they certainly hoped they would, the best use of the property was be to go ahead and demolish the structure, from a safety and liability standpoint of the City.

Mr. Davis continued concerning the City of Huntsville Commitments, stating that the City would provide a Phase 1 Environmental Report on the property. He stated that they had completed this upon issuing the RFP for the project. He stated that the City would perform landscape, hardscape, and improved pedestrian connectivity within the City's existing rights-of-way that bordered the property.

Mr. Davis stated that the Council members might recall that when Embassy Suites had been built, they had done streetscape improvements along that corridor, so that there would be very little improvements along both sides of the street in front of the Embassy Suites. He stated that Downtown Gateway flanked the east side of the property and that there was already a hardscape/landscape package in that project that was under construction. He stated that the main portion of the hardscape/landscape improvements that would be a commitment of the City were mainly along Williams Avenue.

Mr. Davis stated that the City would continue their ongoing flood mitigation efforts along Fagan Creek by extending their box culvert plan from Embassy Suites to the Downtown Gateway project. He stated that some of the Council members had been serving on the Council at the time they had

done this project, from Pinhook Creek along Fagan Creek, and put in the box culverts. He continued that when they did this, it somewhat collapsed the flood plain in the downtown area, which increased the density and property and sales tax values within the downtown urban core. He stated that they would pick up the box culvert project from where they had stopped when doing the Embassy Suites project and take it to the Downtown Harvard/Gateway project so that it would provide a connectivity link, from a pedestrian standpoint, from Twickenham Square and the medical district into the downtown and the VBC, and also reduce some of the flood plain in the downtown core, not just for the subject property but for surrounding properties.

Mr. Davis stated, concerning City of Huntsville Protections, that on the Phase 1 project site, which he noted was the Holiday Inn site, the City would maintain a 99-year lease, so that they would maintain control of the property, for the interest of the public. He stated that the City would have approval rights of the hotel brand that would go on the Phase 1 project site, and also the Phase 2 site.

Mr. Davis stated that the City and CRS CityCentre, LLC, would mutually agree on the overall site design and the aesthetics and character of the final design of the project. He stated that the City would also have approval rights on the transfer of this lease to any new ownership, so that if CRS CityCentre, LLC, decided to sell its interest, the City of

Huntsville and the City Council would have the right to approve who that new ownership would be.

Mr. Davis stated, concerning CRS CityCentre Requirements, that the developer would pay all annual taxes due, as generated from the development, including property taxes, sales taxes, and ad valorem taxes. He stated that they would pay the City an annual lease for the Phase 1 development of \$144,000, for the 99-year term. He stated that for the Phase 2 site, CityCentre had two options, that they could pay the City a \$60,000 annual lease for the 2.6-acre Aquatic Center property or they could purchase it outright for \$1 million. He continued that the way they had arrived at the \$1 million cost was by amortization of the lease.

Mr. Davis stated that with that purchase, the City would hold a right of first refusal to repurchase the Phase 2 property for \$1 million should the property not be developed within 24 months. He stated that this would be for the \$1 million the purchaser would have paid for the property, so that there would be no interest or gain by the developer in allowing the City to recoup that piece of property and control it.

Mr. Davis stated that, as he had mentioned previously, CityCentre must construct up to 230 multi-family units, provide a hotel, retail, and office space in Phase 1. He stated that CityCentre also agreed to construct one additional hotel and other mixed-use components, per market demand, on the Phase 2

property. He continued that they would construct all required surface and structured parking within the project site. He stated that this was a significant investment by the CityCentre development team. He stated that currently the structured parking was a six-level garage. He continued that the City would have no money in this garage.

Mr. Davis stated that CityCentre must comply with a Prohibited Use List, which he noted was Exhibit E in the Development Agreement package they had brought before the Council, for both the Phase 1 and Phase 2 sites. He stated that they had many restrictive uses which they did not think were conducive not only to the City but to the downtown urban core.

Mr. Davis stated that he would go through the Phase 2 project site, noting that the City had an existing City facility on this property that was currently in use. He continued that this was the Williams Aquatic Center property of 2.6 acres. He continued that the Scruggs Center was also located on this property. He stated that in October of the prior year, the Council had approved the Capital Budget Plan that included a new aquatic center at the Natatorium complex. He stated that this would also include a new hydro-therapy pool. He stated that the design on this was underway and construction was slated to begin in late 2015. He stated that all these new facilities would be located at the City's Natatorium complex.

Mr. Davis stated that what was being displayed at this time was the current layout the Facilities Department, along with John Hamilton, had laid out with a consultant. He stated that the portion shaded in light blue was the new hydro-therapy pool, noting that this would be a state-of-the-art pool that would replace the Williams Aquatic Center and the services that they were providing at that center. He stated that there would also be a new 50-meter pool to go with the existing Natatorium.

Mr. Davis stated, concerning the Phase 2 option, that this allowed for two methods for the developer to exercise the option. He stated that the City would give the right to the developer to enter into the option no later than December 31, 2016, noting that this was the date they had determined for the Williams Aquatic Center to be closed and the new center to be open to the public.

Mr. Davis stated that a second option would allow CityCentre to have early access to the Phase 2 project with an approved plan that would allow the Williams Aquatic Center to remain open, with CityCentre providing parking for residents to access the Aquatic Center. He stated that the early-access option was something that both the City and the developer hoped they could work out, and that they believed they could do so. He stated that this would allow the project to be built in one phase, so that they would not have the first phase open and have high pedestrian activity and a large construction site going on adjacent, at the Aquatic Center site.

Mr. Davis stated that what was being displayed at this time was something Mayor Battle had been committed to, and that he would commend him for, noting that it was a project the community had tried to do something with for many, many years, and had tried to find a funding source. He stated that proceeds from the sale or lease of the Aquatic Center, either the \$60,000 per year annual lease payment or the \$1 million outright purchase, would be dedicated to the redevelopment of the Councill High School site. He stated that if the project went in one phase, what they thought they could do with the \$1 million purchase was to accelerate design plans, working with the Alumni Association to get a design complete, one that the community would accept, and then start a funding source to commence construction.

Mr. Davis stated that he would comment on how they would accomplish the early access. He continued that circled in red on the screen was the Aquatic Center, and that to the left was the hotel. He continued that the below-screen shot was a depiction of the hotel. He stated that on the back side of the hotel, along Davis Circle, would be the temporary parking for citizen access to the Aquatic Center until the new pool would be open.

Mr. Davis stated that should the Council approve this project at this meeting, the final design plans were to be completed by July of 2015; site work would commence in August of 2015; hotel construction would start going vertical sometime

in October of 2015; mixed-use construction would be in January of 2016; and multi-family construction would commence in June of 2016. He stated that they were phasing this as a very tight site, noting that there were many, many components, just as with Twickenham, where things had to go in sequence to get it to come out of the ground. He stated that the parking deck construction would commence late in 2015.

Mr. Davis stated that the first portion of the Phase 1 project would be scheduled to open sometime in the summer of 2016, noting that this would be some of the mixed-use components and the hotel.

Mr. Davis stated that at this time he would take any questions the Council members might have.

Mayor Battle stated that one question kept coming up on the price. He asked what the three prices were the City had been offered on the three proposals they had.

Mr. Davis stated that they had varied drastically, noting that on the three best proposals they had had, one had been for a \$1 per year lease, that on another one he believed the maximum was approximately \$60,000 per year, and that the CityCentre group had offered a purchase price, and the City had wanted to convert this to a lease, so they took the purchase price and converted it and came up with the \$144,000 per year. He stated that CityCentre not only had the best design, but they also offered the best price.

Mayor Battle stated that he believed their price had been

\$2.4 million, and the City had figured a 6 percent return on this money, and that a 6 percent return had put them at \$144,000 per year. He asked Mr. Davis if this was correct.

Mr. Davis replied in the affirmative.

Councilman Kling asked Mr. Davis if he could talk a little about the Phase 2 project, noting that he believed Mr. Davis had said there was a possibility there would be a hotel under Phase 2. He asked if there was a ball park estimate as far as what the number of rooms would be. He stated that they had talked about 150 for Phase 1 and he just wondered if there was a ball park number as to what Phase 2 would be.

Mr. Davis stated that in the Development Agreement before the Council there was a 100-room minimum for Phase 2. He stated that there could be many more than that, but that it was required that they had a 100-room minimum.

Councilman Kling asked if it was correct that if they exercised Phase 2, there had to be at least a 100-room hotel.

Mr. Davis stated that that was correct. He stated that in the total build-out, there would be 250 rooms on the Holiday Inn site, noting that this would about replace the quantity of rooms they had had there but at a much higher quality.

Councilman Kling stated that Ms. Ryals of the Convention & Visitors Bureau was in the audience counting hotel rooms. He continued that he believed the on-site was certainly something that was very important.

Councilman Kling asked, going back to the option on

Phase 2, if this was an option or if it was pretty much a "Go," that they were going to exercise Phase 2.

Mr. Davis stated that it was an option. He stated that if the Council approved the lease and development agreement at this time, CityCentre would have a certain amount of time to do their due diligence, and that within that due diligence, they had a 90-day execution, noting that this was kind of a free look, to review the environmental document, to make sure the City had done what it had said it would do, demolishing the Aquatic Center on time. He continued that once CityCentre exercised the option, they would have to make a choice either to lease or purchase.

Councilman Kling asked, concerning the new facilities that were being built adjacent to the Natatorium, if this would go ahead regardless of what would happen concerning Phase 2, or whether the Williams Aquatic Center was part of the Phase 2 project or not.

Mr. Davis replied in the affirmative. He stated that upon the Council's approval of the contract, Phase 1 must be built, that they would be guaranteed that.

Councilman Kling stated that he was referring to Phase 2. He asked if the City could, hypothetically, end up with a situation where Phase 2 was not executed and they could have the Williams Aquatic Center remain and also have a new facility at the Natatorium.

Mr. Davis replied in the negative. He continued that if

CityCentre would decide not to execute the Phase 2 option, the 2.6 acres, the Williams Aquatic Center would still be going away. He stated that they had an approved budget and were under design with a brand-new, hydro-therapy pool. He continued that they wanted to consolidate these services. He stated that, more than likely, if that were to occur, they would put out an RFP for the 2.6 acres, so that it would get redeveloped.

Councilman Kling stated that he thought he had seen some plan in the past, or perhaps it was something that had been mentioned in a newspaper, but asked if there was anything being done to narrow Williams Avenue, or if that was part of this development.

Mr. Davis stated that they were currently working on a traffic study along Williams Avenue, and that they would make some type of improvement to the street, to increase the connectivity between the VBC, the development under discussion, and Big Spring Park. He stated that what the final layout would be would be determined somewhat by the traffic study. He stated that they wanted to make sure they still had circulation for the VBC for large events. He continued that they wanted to make this a very pedestrian-friendly intersection, especially during conferences. He stated that if there were two new hotels plus Embassy Suites, the pedestrian activity back and forth to the VBC would be something very critical to the project and to the downtown area.

Councilman Kling stated that perhaps they could look at something such as a crosswalk and maybe cobblestones or brick pavers, et cetera, on the road versus getting into narrowing it. He stated that he had seen this effect that had been done in Greenville. He continued that he was aware it was supposed to make "more vibrance," but that at the same time, it just seemed to add a lot of traffic congestion, and that he was concerned about this. He stated that he was concerned about the lanes, but he supposed that would be a different issue.

Mr. Davis stated that the Council would be presented these ideas and these components before they would actually do anything, that they would have to bring a contract concerning this before the Council. He stated that as they did the traffic study, they would work with CRS CityCentre and City staff to come up with a couple of different options that would be beneficial to everyone, and they would bring it before the Council for their review.

Mayor Battle stated to Councilman Kling that this was one of the concerns they had with both the Embassy Suites and the subject property, noting that when persons had to travel across four lanes of traffic, plus a median, it did not make it conducive to actually getting in the park. He stated that that was why they were looking at what were called "Road Diets," to make it much easier to access the park and easier to be in the park, and make the park part of the development there.

Councilman Kling stated that he did not know if his next

question would be more in Mr. Davis' area or in Mr. Taylor's area. He asked if Mr. Davis had a ball park estimate as far as the amount of revenue, property tax, perhaps sales tax, or lodging tax, that would come in as a result of this development over a 15-year period, or whatever.

Mr. Davis stated that they were working on these numbers. He stated that he could tell him, from talking to the development team, that on the project their current budget was in the \$80 million range, noting that they were throwing numbers around. He stated that the parking deck had started out as a four-story deck, but they were densifying as much as they could on site, and that it had now gone from four to six floors. He continued that they were looking at 70 to 80 million dollars into investment, into property tax, and 28 to 30 thousand square feet of retail, generating \$300 a square foot. He stated that one could do the math there, and that that was approximately \$9 million, and that 4.5 times that would be approximately \$3 million in sales tax.

Councilman Kling stated that it appeared that they had pretty much put the numbers together to show that this was a pretty good investment for the city, noting that he was aware they had worked on this for a long time.

Mr. Davis stated that it was certainly much better than what it was producing at this time.

Councilwoman Robinson stated that she was aware that the goal was to have 1,000 hotel rooms downtown within walking

distance to the VBC. She continued that there was the concern at this time that they had lost the Holiday Inn site, and that everyone was eager to get hotels back. She stated that, as she understood it, there would be 150 rooms for certain, and 250 potentially, if Phase 2 were to go forward. She noted that there was space between the Phase 1 hotel and the Phase 2 hotel and asked if Mr. Davis had stated that that was potentially for expansion of the hotel.

Mr. Davis replied in the affirmative.

Councilwoman Robinson inquired as to the projected capacity in the expansion.

Mr. Davis stated that they had left this to be determined by the development team, that they had just demanded at least one hotel. He stated that if market studies should indicate and the economics worked, they would take the back side of that and do level or structured parking, and there could be an additional hotel. He reiterated that they had left the developer that flexibility for the remainder of the site, to let the market determine what that should be.

Councilwoman Robinson stated that they would know for sure that they would get 150 rooms. She asked if this would replace what had been at this location previously, noting that she was not aware of how many rooms had been at the Hilton.

Mr. Davis stated that there had been approximately 250 rooms at the Hilton.

Councilwoman Robinson stated that, then, they would still

be at fewer rooms than they had had previously.

Mr. Davis replied in the affirmative, noting that, however, they were pretty confident on this, in working with the development team. He stated that one of the things late in their discussion, in finalizing the documents that were being brought before the Council at this time, was that they find a way for CRS CityCentre to get early access to the property on which the Williams Aquatic Center was located for a second hotel. He reiterated that they were pretty confident in this group to put 250 rooms on the ground.

Councilwoman Robinson stated that then they would be back to what they had had but would not get any additional rooms. She stated that perhaps they would have other projects that would get them to the 1,000 rooms, since that was the goal.

Mr. Davis stated that that was correct.

Councilwoman Robinson stated that this was described as an "urban hotel," and asked how this hotel would be different from the other hotels they had.

Mr. Davis stated that the development team was looking at a couple of different options in this regard. He stated that in the City's RFP process, the City had identified approximately three hotel brands, being a Hotel Indigo, an Aloft, and a Hilton product called "Canopy." He stated that this was aimed more toward the millennial-type traveler, and that they felt it blended well for the type of retail and restaurants they were attempting to attract there, as well as

the offices. He stated that he was most excited about the office component they were putting in, which were real high ceiling, loft-type offices. He continued that to have this type of space would be an asset to the downtown area.

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

Councilwoman Robinson stated that she had one last question, in regard to the Council School, noting that she was aware this was not meant to be a briefing on this project. She asked if Mr. Davis could review this again, as to how it was going to work. She asked if it was correct that the proceeds from the Phase 2 sale would immediately be invested into the development of the Council School property.

Mr. Davis replied in the affirmative. He stated that concerning the Phase 2 property, the 2.6 acres, the developer had two options to exercise this lease, with one being to pay the City \$60,000 per year for a 99-year lease, just as Phase 1, or they could take the 2.6 acres for \$1 million. He continued that at that time they would have 24 months during which to develop the property or commence construction. He stated that if not, the City would have the first right of refusal to take back over the site for the exact amount the developer had paid into it. He continued that if they did a lease and paid \$120,000 over the 24-month period, the City could give them back the \$120,000 and take control of the property, or the same would go for the \$1 million. He stated that should the

developer move forward and take the property in either a lease or a purchase, the City would dedicate these proceeds to the redevelopment of the Councill School site.

Councilwoman Robinson stated that she was aware that at one point there had been discussion about matching funds from the Councill School Alumni. She asked if that would still be a part of this project.

Mr. Davis replied in the affirmative. He stated that what this would allow them to do would be to really accelerate this. He continued that they would sit down with the Alumni Association and come up with a program for what they would want the site to be. He stated that the \$1 million would allow them to accelerate and get the entire project, once they had the scope, fully designed, to put it on the shelf being ready to bid, ready to construct, and then they could come up with a funding plan to break ground on it and see it completed to what it needed to be.

President Russell recognized Councilman Showers.

Councilman Showers stated that Huntsville High School had been dealt with in a larger way. He stated that Councill High School, the only black high school in the city, had sat there for almost 40 years, with the structure being an eyesore. He stated that he was delighted at this time, noting that this topic had been discussed by the Council, the alumni, the City, and a past administration, and that they had made some efforts. He stated that the current Administration in the prior year had

put Capital money in the budget to move this project. He reiterated that he was delighted to hear at this time that this school would be a part of Phase 2. He stated that the library was just west of the school and there was Twickenham to the east, noting that this was a great partnership.

Councilman Showers stated that he would not go into the specifics of what they were planning to do, but noted that he was excited that for the first time in almost 40 years, they had some solid plans for this school. He stated that he was going to jump ahead of everybody else and say he was going to vote for this, for several reasons. He stated that this was Huntsville, and it was a delight to see that all of Huntsville was being dealt with.

Mr. Davis stated that he wanted to commend Mayor Battle, noting that when this had been structured, there had been no discussion as to what they would do with the Phase 2 proceeds. He stated that Mayor Battle had said they were putting Councill School in this, that they were moving that project forward.

Mr. Davis commended Mayor Battle for his vision.

President Russell asked Mr. Davis if they could go over the costs. He stated that the way he understood it, the City had already spent the money to demolish the building, so that there would be no cost there. He asked if the City had bought this land many years prior.

Mr. Davis replied in the affirmative.

President Russell asked Mr. Davis if he had stated that the City had already done the environmental study.

Mr. Davis stated that they had done the environmental. He continued that there was one cost the City had outstanding that he might say was "unbudgeted", but was not really unbudgeted, because they had an annual account where they did streetscape improvements in the downtown area. He continued that this was in the Capital Plan and had been there for many years, so that it was budgeted. He stated that the next project to deal with these funds would be around the CityCentre site. He continued that the other cost would be extending the Fagan Creek box culvert, noting that they had drainage projects and drainage funds to do this in the annual Capital Plan, so it would not be that they would be putting a burden on the Capital Plan or swapping a project and taking out of the Capital Plan in some other sector of the city. He stated that there were proceeds set up to do this type of work in the downtown area in the Capital Plan.

President Russell stated that the basis of his question was where the money would be coming from.

Mr. Davis stated that it would come out of the annual accounts, both the drainage accounts and the downtown streetscape accounts, which were in the Capital Plan. He continued that they would not be taking away any road project or resurfacing project or sidewalk project in any part of the city in order to accomplish this.

President Russell stated that Mr. Davis may have mentioned this but asked if they had any design review.

Mr. Davis replied in the affirmative. He stated that they had already had two, both the Planning/Engineering staff and CRS CityCentre, and that they would have more as they moved forward to the final design sometime in July. He stated that they did have the final approval of aesthetics, the look and the layout.

President Russell asked if there were any other questions for Mr. Davis from the Council members.

President Russell stated to Mr. Davis that he was not certain if the Administration wanted to take the pertinent items out of order and vote on them at this time or just handle this as part of the regular business to come before the Council.

Mayor Battle asked that they do it at the regular time in the meeting so that persons in the audience might have the opportunity to have input into the matter.

President Russell stated that would be the manner in which the Council would prefer to handle this.

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

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

Mr. Benion stated that the property identified in the resolution had been declared unsafe by Community Development, and that the owner had been given 30 days, in accordance with the Unsafe Building Ordinance, to obtain permits and commence work on correcting the noted violations. He stated that since the owner had failed to respond to the notices and since the property was standing open and accessible, Community Development staff had boarded and secured the property. He stated that Attachment A to the Council's paperwork identified the owner and the dates that Community Development had taken action and the cost for boarding and securing the property. He stated that the total cost was \$326. He continued that the owner had received a written request for payment and had failed to respond. He stated that he was requesting that an assessment be placed on this property to collect their costs.

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

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

There was no response.

President Russell stated that the public hearing was closed.

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

(RESOLUTION NO. 15-63)

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

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 Public Hearings to be Set.

President Russell read and introduced a resolution to set a public hearing on an ordinance rezoning property lying on the east side of South Shawdee Road and east of South Village Square Road and on the south side of Nature Trail from Residence 1 District to Residence 1-A District, at the March 26, 2015, Regular Council Meeting, as follows:

(RESOLUTION NO. 15-64)

President Russell 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.

President Russell read and introduced Ordinance

No. 15-65, rezoning property lying on the east side of South Shawdee Road and east of South Village Square Road and on the south side of Nature Trail from Residence 1 District to Residence 1-A District.

President Russell read and introduced a resolution to set a public hearing on an ordinance rezoning property lying on the west side of McMullen Lane and north of Little Cove Road from Residence 1 District and Residence 1-A District to Residence 2 District, at the March 26, 2015, Regular Council Meeting, as follows:

(RESOLUTION NO. 15-66)

President Russell 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.

President Russell read and introduced Ordinance No. 15-67, rezoning property lying on the west side of McMullen Lane and north of Little Cove Road from Residence 1 District and Residence 1-A District to Residence 2 District.

President Russell stated that the next item on the agenda was Communications from the Public. He stated that when persons' names were called, they should come to the microphone and state their name and address, and that they would have three minutes to address the Council.

Mr. John Fisher, 2509 Holmes Avenue, appeared before the

Council, stating that he was present as a private citizen, a contractor to the intelligence community, and agencies that he was not able to identify, or was not at liberty to identify. He stated that he was present as part of a criminal investigation with highly sensitive national security ramifications and limited intelligence community support.

Mr. Fisher stated that he was present to express his anger and frustration concerning the professional incompetence and corruption he had encountered while conducting this investigation, by the City Attorney and his staff, which he noted had caused a claim which should not have cost the City one cent to be run up to in excess of \$5 million.

Mr. Fisher stated that at this time this claim was at a point where the minimum demand to settle this claim was for \$1.5 million and legislative concessions to assure that this condition would never happen again in this city.

President Russell asked Mr. Fisher if he had filed a claim against the City.

Mr. Fisher replied in the affirmative.

President Russell asked Ms. Anderson if she was aware of this active claim against the City and asked if the Council should be discussing this in a public meeting.

Ms. Anderson stated that she was not aware of the claim. She continued that it would not be appropriate for it to be discussed at this time.

President Russell asked Mr. Fisher if he was saying that

he had an active claim against the City at this time.

Mr. Fisher replied in the affirmative. He stated that he had sent it to the City Council. He stated that at this stage of the investigation, the members of the Council were individually responsible for any further corruption of this investigation.

President Russell stated to Mr. Fisher that if he had filed a claim, it could not be discussed in this forum, that it would have to be taken up through the City Attorney's office.

Mr. Fisher stated that it could not be taken up with the City Attorney's office.

President Russell reiterated to Mr. Fisher that he could not discuss this claim at this time. He stated that if he wanted to continue to something else, that would be fine, but he could not discuss this subject.

Mr. Fisher stated that he would like to say one thing.

President Russell reiterated that they would not be discussing this claim in public.

Mr. Fisher stated that he wanted to explain the conditions under which they would have to discuss it. He stated that they would have to hire outside counsel, that the City Attorney could not handle this matter. He stated that the City would have to hire an outside counsel or he would start proceedings.

Councilman Kling stated that he felt it might be helpful for persons to understand that the Council had a blanket policy for everyone that had filed a legal claim that it would not be

discussed in this forum. He stated that persons might think they might be cherry-picking and would hear from one person but not from another person. He reiterated that this was a blanket policy of the Council.

President Russell stated that they had also been advised by Counsel concerning this.

Mr. Eric Truitt, 2720 Hood Road, appeared before the Council, stating that he had a question concerning a zoning ordinance. He stated that he was reading from the Zoning Ordinance, Section 73.3, which he noted stated as follows: "All trailers, except as herein provided, shall be located in approved trailer parks, regardless of whether or not such trailer is occupied." He stated that City officials had interpreted this to mean that nowhere on private property within the city, except inside a trailer park, could a mobile home be located.

Mr. Truitt inquired as to the purpose of this ordinance. He stated that he had spoken with Zoning, with Enforcement, with Planning and Permitting, as well as Engineering, and that no one had been able to give him any reason as to the purpose of the ordinance.

President Russell recognized Mr. Jim McGuffey of the Planning Department

Mr. McGuffey stated that, in his opinion, the purpose of the ordinance would be to protect the architectural features of the city, from a design standpoint.

President Russell stated that, then, it was just to keep from having trailers in the city.

President Russell inquired of the Council members if any one of them recalled when this ordinance had been passed.

Councilman Kling stated that he believed that would be before the time of anyone serving on the Council at this time.

Councilman Kling asked if it was correct that exceptions were sometimes brought before the Board of Zoning Adjustment.

Mr. McGuffey replied in the affirmative. He stated that Mr. Truitt would have the opportunity in February and in March to go before the Board, to perhaps help his particular situation.

President Russell stated to Mr. Truitt that there was an ordinance in place, and that he could go and ask for a variance if he so desired.

Mr. Truitt stated that if the Council could not provide any reason as to the purpose of the ordinance, then he would consider the ordinance to be unconstitutional, under Article I, Section 35, of the Alabama State Constitution, entitled "Objective of Government." He stated that this stated that the sole objective and only legitimate end of government was to protect the citizen in the enjoyment of life, liberty, and property, and that when Government assumed further functions, it was usurpation and oppression.

Mr. Albert Azubike, known as "Pekolo", 805 Oakwood Avenue, appeared before the Council, stating that he was the President

of Pekolo Auto Sales, located at 805 Oakwood Avenue. He stated that he was appearing before the Council at this time to express what he called "hostility" from the City Police and the Zoning Inspectors. He stated that he had been harassed since he started this business. He continued that he had been in business since 1994, and that since then he had been jailed on numerous occasions because of doing business without a license. He stated that all these were false. He stated that recently the City of Huntsville had seized part of his property for expanding the road where his business was located. He stated that during this time many things had happened to him and stated that he continued to ask why this was going on.

Mr. Azubike stated that recently the road where his business was located had no driveway so that he could get into his business. He stated that he had asked why this was going on, but he had not received an answer to this. He stated that he had had a lot of harassment from the Police officers and the Zoning Department. He stated that he had a piece of property where his goods were stored, and that he was told that he had only a certain amount of vehicles to be stored there, that in excess of eight, he was going to pay \$5. He stated that he was asking why this was going on and if it was only him. He stated that he had asked other dealers around town, and they had said such things had not existed.

Mr. Azubike stated that he was asking this evening if the Council would please find out why this was going on and to

please help him resolve this issue.

President Russell asked Councilman Showers if he was aware of this issue and if he could meet with Mr. Azubike or get someone else to speak with him.

Councilman Showers stated that he was aware of the issue, noting that as Mr. Azubike had plainly stated, his issue had been before City departments and nothing had been done. He stated that, hopefully, after this time, the City Administrator and others would assist him so that he would not have to go through the concerns he had raised previously in the meeting. He stated that he saw no reason why this could not be corrected.

President Russell asked if he needed to do something concerning this or if Mr. Hamilton would perhaps meet with Mr. Azubike.

Councilman Showers stated that Mr. Hamilton was aware of this situation, and that he was already on record to see that this would happen.

President Russell asked Mr. Hamilton if it was correct that he would follow up with Mr. Azubike.

Mr. Hamilton replied in the affirmative. He stated that he had met with Councilman Showers earlier in the day, and that they had actually gone and visited a number of sites that were related to this matter, to come up with some other examples. He stated that he had a certain amount of paperwork on the issue, and that he would meet with the relevant department

heads to make sure that everyone was being treated equally. He stated that Mr. Azubike had a case at this time in Municipal Court, so that it would not be appropriate for them to discuss this in detail at this point, in terms of dealing with the specific citations he had. He stated that Judge Rodenhauser was hearing this case, and that he believed they were moving to resolution. He stated that, more broadly, they should look to make sure that as they looked at this type of business and similarly situated businesses, they were treating everyone equally and fairly, and that he would go into that.

President Russell stated to Mr. Azubike that someone from the Administration and the Council would get back with him on this matter.

Dr. Clarence Johnson, 3302 Buttrey Drive, appeared before the Council, stating that he had a document he would like to provide to each of the Council members if he could do so.

President Russell stated that they would get it from him after he had spoken.

Dr. Johnson stated that he was present at this time because he was requesting information under the Alabama Open Records Law, Alabama Code Section 36-12-40. He stated that his first item was a copy of the City payroll that listed by department, name, race, gender, position, specific recorded education level, years of service, annual salary, and gross income for the year 2014, by ZIP Code, every City employee. He

stated that he was also asking for a list that gave the total number of police officers, by rank, race, and time of service, and present recorded education level. He stated that, thirdly, he was asking for a list providing the total number of firemen, by race, rank, time of service, and present education level. He stated that he further requested the traffic citations written in the city of Huntsville, by race, per Defendant's ZIP code, year by year, beginning with January 1 and ending December 31, for the years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, and 2014. He further requested a list of all tickets given during the same years, regardless of ZIP code, by race. He stated that, fifth, he was requesting a copy of the present City workforce analysis of permanent employees; and, finally, a copy of the present workforce analysis of temporary hire.

Dr. Johnson stated to the Council members that he appreciated their service to this great city. He stated that he would like to hand the Council members a copy of his presentation.

(Submission by Dr. Johnson)

Mayor Battle asked Dr. Johnson if he had his contact information on his submission. He asked if Dr. Johnson would work with them on the traffic citations for the years 2004 through 2014, so they could see what they could get to him that would work out.

Dr. Johnson stated that he would certainly do so.

Dr. Johnson stated to Mayor Battle that he would also like to thank him for the work that was going on in and around the city. He stated that he would put his phone number on the paperwork he was submitting.

Dr. Johnson asked that they please not forget North Huntsville.

Ms. Lakisha Washington, 804 Oakwood Avenue, appeared before the Council, stating that she was currently employed at Pekolo's, Inc., which she noted was located at 805 Oakwood Avenue, and that she had been working there for several years. She continued that her boss was Mr. Albert Azubike.

Ms. Washington stated that she was present to inform the Council of the experiences she had personally witnessed while working there which had occurred between Pekolo's and the City of Huntsville and its various departments. She stated that she had been present on several occasions when these various departments of the City had come to their offices with complaints and citations, and that this had been overwhelming, to say the least.

Ms. Washington stated that when the City came, they came in full force. She continued that what she meant by this was they usually came with HPD, the Sheriff's Department, Fire Marshals, the Zoning Department, unmarked cars, marked cars, and uniformed and plain-clothed officers. She stated that it looked like they were doing a drug raid on their property when they did come. She continued that the property

was located on a corner lot, and that when they came, they surrounded the lot, with their vehicles and with the officials, so that it was a big disturbance to their property. She stated that on the last visit they had made, there had been no less than 10 officials there, walking the property and surveying different things and just citing anything as they saw fit. She stated that this was a public nuisance.

Ms. Washington stated that she had been asked several times, by current and potential customers, whether or not they could purchase vehicles from their car lot. She stated that on occasion, potential customers had been present during these interactions with the City, and that many potential sales had been lost due to these distractions. She stated further that there had been many instances where customers had come back to them after purchasing vehicles and were complaining about being pulled over because of their tag. She stated that in the city of Huntsville, she believed persons had 20 days from the date of purchase to get their license plates, but that many times customers had been pulled over within the same day or week when they had purchased vehicles from them, and that they had been told that it was because of the Pekolo tag, and that they had told her that they had been told by Police that they should not have purchased a car from Pekolo.

Mr. Washington stated that she herself had been pulled over on occasion while driving a car with a Pekolo temporary tag. She stated that she recalled one specific instance where

she was pulled over by a policeman and scolded for purchasing the vehicle that she was driving, that she was told she should never have purchased a vehicle from Pekolo, that he was not even supposed to be selling cars. She continued that when she had asked the policeman why he was not supposed to be selling cars, his reply was, "He just isn't." She stated that he had then continued to tell her about how most of his cars were wrecked, and that he was selling cars that were no good. She stated that she had then informed the police officer that she was an employee of Pekolo Auto Sales, and that he then said, "Well, you all need to just quit selling cars." She continued that he had then let her go with a warning. She stated that in that moment, she had felt belittled and harassed, and that she also felt she would have gotten a ticket had she not told him she worked for Pekolo.

Ms. Washington stated that over the years, she had been a witness to what she summed up as blatant harassment, and in some cases just flat-out wrongness. She stated that, in conclusion, she would say that she believed it was quite unfair that a businessman of Pekolo's stature had to be subjected to such scrutiny on a constant basis, noting that it was constantly that they were coming through and disrupting their business. She stated that this was an embarrassment to him personally and was detrimental to his business. She stated that he was a college-educated man, that he paid his taxes on time, that he helped the Fire and Police Departments by giving

donations whenever they came around or called and asked for them. She stated that he did not deserve this type of persecution, that she felt it was unjust and unmerited.

Ms. Jackie Reed, 303 Jack Coleman, appeared before the Council, expressing appreciation to them for allowing public input.

Ms. Reed stated that she was on a roll at this time about the Holiday Inn property, noting that she had been for quite a while. She stated that it was really bothering her that they did not come in this Council Chamber with the acreage provided that they were leasing with a 99-year lease. She continued that they did not know the value of the property. She stated that they needed to hire a real estate person as an attorney. She stated that she guessed she could say she was unhappy with City government at this point.

Ms. Reed stated that she had moved to the city in 1958, and that she had been coming to the Council, watching many Council members come and go, for 25 years, but that this government was really making some serious deals that she had never heard of in the city. She stated that they were giving the city away, and she wanted the taxpayers to wake up and see what they were doing. She stated that they never had a work session, so that citizens would not know what they were doing until matters were brought before the Council.

Ms. Reed stated that there was \$60,000 to go to Council School, noting that this was nothing for the piece of property

that was over there.

Ms. Reed asked if anyone on the Council was aware of what the taxpayers had paid for the Holiday Inn property when they had purchased it. She asked if they could answer that question before she continued.

There was no response.

Ms. Reed stated that mum was the word. She stated that she did not believe Mayor Battle had been in office at that time, that Councilman Kling and Councilman Showers had been, but they were not going to say anything about it.

Councilman Kling stated that it had been around \$6 million when it was relayed to Big Spring Partners.

Ms. Reed stated that the taxpayers had paid \$6.8 million for this property. She stated that she had heard earlier in the day that it cost \$100,000 to clean off the property, that they had spent this just to clean up what they had already done. She stated that they were also reaching for the Scruggs Center and the Aquatic Center, reiterating that they were giving the city away. She reiterated that there would be a 99-year lease, noting that none of the Council members would still be here when it ended.

Ms. Reed stated that she might never be the mayor, but that she would certainly be in a debate with Mayor Battle during the mayoral election.

Ms. Reed stated that she believed it was a shame that the Council did not have the acres laid out, and it was a shame the

developers did not lay some money on the table and show the public they were willing, able, and available to do what the City wanted them to do. She stated that she did not believe the Council members were good real estate people, that she did not believe they were good property people, that she did not even think they were good government people, because they did not tell the public what was going on.

Ms. Reed stated that she had seen where they were going to do a lot of things in this development that they had not mentioned, that they were going to do streetscaping. She asked who was going to build a parking garage. She continued that they were ruining the real estate business in the city because of all the condos downtown, noting that she believed they would get stuck 10 years from this date with condos downtown and wonder why they had built so many of them.

Ms. Reed stated that she believed it was wrong what they were doing, not making money up front, and not telling the public about the acres. She stated that she would be back, that she would never let this go.

Councilman Kling stated that there were a couple of things he wanted to point out, noting that he did not know anything about any sinister deals. He stated that he believed he had had an occasional question or two he had asked about the numbers, et cetera. He stated that the new Natatorium facility was going to be nice for the senior community to have, noting that he liked the idea that they were putting money into the

new hydro-therapy pool that Mr. Davis had mentioned.

Councilman Kling stated that he was not the biggest math expert, but noted that they had had some discussion on this several months prior, and that if one did the math on the sales tax the City would gain on the building materials that would go into making a \$90 million facility, plus additional lodging tax, this would mean more tax revenue coming in. He stated there would be some additional hotel/retail that would come in. He stated he was not saying that everything that would come in would be 100 percent brand-new business, but that there would be an increase.

Councilman Kling reiterated that there was nothing he would say was sinister. He stated that there were some things he was not wild about, including a possible discussion about narrowing Williams Avenue. He continued that Ms. Reed had heard him say he did not like that idea. He stated that everyone on the Council was looking at these matters for the public's betterment, noting that they had a good community, and that they wanted to have downtown do some things. He continued that perhaps there would be some things that would come downtown in the future that he would not be wild about, but stated that they were trying to make the city continue to grow and have good things they could offer for the community.

Mayor Battle stated that he would like to correct one thing. He stated that while the City did pay \$6.8 million for the Holiday Inn site, the site for years had paid back money,

in rent, gave back a revenue stream to the City, and also paid taxes. He continued that this had more than paid back the \$6.8 million over the years the City had held this property. He stated that they had finally gotten down to where they basically had no basis in the property. He stated that that was where they had come from, with a property that had paid for itself over a number of years. He continued that it needed to be redeveloped, that it was a 1960's style hotel. He continued that it had started out as a Hilton and was a Holiday Inn and was about to lose the Holiday Inn flag.

Mayor Battle reiterated that the property needed to be redeveloped. He stated that one of the things they had looked at in the downtown area was how they got boots on the ground in the downtown area, how they got people living downtown who would enjoy the recreation aspect of downtown, walking around downtown. He stated that downtown traffic would drive retail, would drive restaurants.

Mayor Battle stated that this was the third case they had done with such a development, or, really, the fourth. He stated that they had started off with Belk Hudson and had gotten 80 apartments there, and then they had gone to Twickenham, with 235 apartments, noting that they were filling up quickly. He continued that The Avenue, located at Holmes Avenue and Jefferson Street, was next, noting that an agreement had been passed concerning this recently. He stated that, finally, they were finishing up with the Holiday Inn

site, which he noted was kind of the crown jewel of what they had.

Mayor Battle stated that the reason they had done a 99-year lease on this was because they believed it was very important. He continued that it was right across from Big Spring Park, which he noted was right in the middle of the city and was kind of the epicenter of what they were calling "Downtown Huntsville."

Mayor Battle stated that they had wanted to make sure that they had some provisions in the agreement that the property had to be kept up to certain standards, to make sure that it stayed nice, but that it also add the hotel rooms that Ms. Ryals was interested in, that the Von Braun Center staff was so interested in.

Mayor Battle stated that by the time they added the hotel rooms from this development, they would have replaced the hotel rooms from the Holiday Inn, and if they added the 295 rooms they had at the Embassy and the 125 they had at Spring Hill Suites, and then had some other development come in, they would start approaching the 1,000 room number they needed to make a very vibrant Civic Center. He continued that this would make them be able to have some of the bigger conventions that were in the United States and could come to Huntsville, Alabama. He stated that these would be persons who would see the city, spend money in the city, and keep the city prosperous and vibrant. He stated that that was one of the things they were

looking for.

Mayor Battle stated that the whole effort out of this was to make a healthy, prosperous, vibrant city, not just a downtown but a city, and to provide jobs for people from throughout the city, throughout the county. He stated that with just the number of jobs that would probably happen at the Holiday Inn site, when one looked at the offices that would be there, the restaurants that would be there, the retail that would be there, the hotel that would be there, they would be adding thousands of jobs for the downtown area. He continued that they would do the same thing over at The Avenue, where they would be adding retail jobs, office space, and apartments. He stated further that they would do the same thing at Twickenham, where they had added probably a couple of thousand jobs just off of that.

Mayor Battle stated that when one looked at this, they were providing jobs, they were providing opportunities to persons, that they were providing the opportunity for persons to do better for themselves. He stated that that was the job of government, and that was the job they were doing.

Mayor Battle stated to Ms. Reed that he understood she had concerns and thanked her for her concerns, but noted that he believed the most important thing they could do as a city was to make sure they had a prosperous city.

Ms. Lucette Azubike, 805 Oakwood Avenue, appeared before the Council, stating that she was co-owner and vice president

of Pekolo Used Auto Sales, Inc. She stated that she was present to speak to the Council at this time about the unprofessional conduct and unethical behavior of some City officials and some officers of the Huntsville Police Department. She stated that three minutes was not a lot of time, so she had just jotted down some things that she would just like to read off, as some examples of how they had been harassed and how their business had been slandered by these officials.

Ms. Azubike stated that she would like to comment on one particular visit during tax season, when most used car dealers were expected to have an increase in sales. She stated that, however, during that particular year, their sales were a negative figure, simply because Community Development, the Zoning Department, the Fire Marshall, the Huntsville Police Department, and officials from Huntsville Utilities had shown up at their building, and the building was condemned. She stated that the power was cut off from the line, the meter pulled from the building, and a yellow sign taped to the door stating, "Do not enter. This building has been condemned." She stated that they were told the reason for this was because their power line was hanging down too low.

Ms. Azubike stated that when she had pointed out to them that their power line was in the exact same position as other businesses and other houses on the same, exact street, the response she had received was, "We are not here for them; we

are here for you."

Ms. Azubike stated that on the same day, they had gone inside their building and inspected it and had required them to purchase different emergency lights. She stated that these were the same entities that prior to their receiving their business license had inspected the building and had given them a license to do business.

Ms. Azubike stated that as a result of these actions, they had been required to hire an electrician and pay more than \$1,000 for these changes to be made, while other buildings sitting on the same street, with the same power line, were sitting there with no citation and no corrections being made.

Ms. Azubike stated that that had happened a couple of years ago, and that she would move forward. She stated that on November 17, 2014, again officials from the Zoning Department, Community Development, the Fire Marshall, and the Huntsville Police Department had shown up at their business and had issued them a citation for doing business without a license. She stated that the reason for this citation was because some cars were parked across the street from their business at a gas station, and they considered that to be doing business without a license, simply because one of the cars belonged to them, and the other cars belonged to employees and customers.

Ms. Azubike stated that this gas station was not on City property, that it was privately owned property by an individual who had given them permission to use his property because with

the Church Street expansion and all the construction, parking was difficult. She stated that Sgt. Roberts and Officer Hollingsworth were the police officers involved in this. She continued that when she had asked them why they were receiving five separate citations for doing business without a license, they had simply said, "We have given you a citation for each vehicle that has been parked across the street." She stated that this was the citation they had to appear in court on April the 15th of the current year.

Ms. Azubike stated that she had asked Officer Hollingsworth why he felt it was necessary for him to constantly show up at their business and frequently write multiple citations. She stated that she had said to him that he knew as well as she knew how long this had been going on. She stated that he had said to her, "We are going to continue to come until we get what we want." She continued that he had then smiled at her and said, "For you all to be gone."

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

President Russell read and introduced a resolution authorizing approval for the payment of Open Text Support, (PR 10174681) (Utilities: Electric), as follows:

(RESOLUTION NO. 15-68)

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

President Russell read and introduced a resolution authorizing approval for the payment of SAP support, (PR 10174683) (Utilities: Electric), as follows:

(RESOLUTION NO. 15-69)

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

President Russell read and introduced a resolution authorizing approval for the payment of Bentley Consulting & Support Services, (PR 10174812) (Utilities: Electric), as follows:

(RESOLUTION NO. 15-70)

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

President Russell read and introduced a resolution authorizing the Mayor to execute an amendment to the Green Power Providers Agreement with TVA, (TVA Agreement) (Utilities: Electric), as follows:

(RESOLUTION NO. 15-71)

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

President Russell read and introduced a resolution authorizing the Mayor to execute a Tri-Party agreement among TVA, the City of Huntsville, and Qualitest Pharmaceuticals,

allowing Qualitest Pharmaceuticals to participate in the Valley Investment Initiative(VII) (Utilities: Electric), as follows:

(RESOLUTION NO. 15-72)

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

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

(RESOLUTION NO. 15-73)

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

President Russell read and introduced a resolution authorizing the upgrade of circuits at County Line and Pension Row for a system upgrade, (WBS M2E-CTYLINPEN1) (Utilities: Electric), as follows:

(RESOLUTION NO. 15-74)

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

President Russell read and introduced a resolution authorizing approval to move poles associated with the

Highway 72 East lane addition, (WBS RRP-14010000.E.MN)

(Utilities: Electric), as follows:

(RESOLUTION NO. 15-75)

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

President Russell stated that there were no Board Appointments to be voted on.

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

Councilman Showers nominated James "Tony" Smith for reappointment to the Community Development Citizens Advisory Council, for a term to expire February 14, 2018.

Councilwoman Robinson nominated Sharon Olshefski for appointment to the Human Relations Commission of the City of Huntsville, Alabama, Place 3, for a term to expire September 22, 2018.

Councilwoman Robinson nominated Jeffrey Sanders for reappointment to the Huntsville-Madison County Marina & Port Authority, for a term to expire July 1, 2019.

President Russell nominated Connie Gates for reappointment to the Animal Services Advisory Committee, Place 5, for a term to expire September 8, 2015.

President Russell nominated Lisa Pendergast, DVM, for reappointment to the Animal Services Advisory Committee, Place 1, for a term to expire September 8, 2017.

President Russell nominated Janice Gibbons for reappointment to the Animal Services Advisory Committee, Place 2, for a term to expire September 8, 2017.

President Russell nominated Fred Rodrique for reappointment to the Bingo Review Committee, for a term to expire April 8, 2015.

President Russell nominated Russell Grimes for reappointment to the Board of Examination and Appeals for Construction Industries, Place 8, for a term to expire September 21, 2017.

President Russell nominated Thornton Stanley, Jr., for reappointment to the Board of Examination and Appeals for Construction Industries, Place 8, for a term to expire September 21, 2017.

President Russell nominated John Hall for reappointment to the Board of Examination and Appeals for Construction Industries, Place 16, for a term to expire July 1, 2017.

Councilman Showers nominated Gwendolyn Ragland for reappointment to the Community Development Citizens Advisory Council, for a term to expire February 14, 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. 15-76)

Councilman Showers moved for approval of the foregoing

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

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

Councilman Showers replied in the affirmative. He asked Mr. Randy Taylor, Finance Director, to present the report.

Mr. Taylor stated that he just had one report at this time, noting that it was a number they had been waiting for, being the sales tax figures for the complete holiday season. He stated that these figures were reported in January. He stated that in the month of January, they had collected five percent more than they had the previous January, for the single month, which he noted was above budget requirements. He continued that it was a healthier figure than they had seen in a while for that period. He stated that for year-to-date, four months at this time, they were at 4.4 percent above the same month for the first of the prior year. He stated that this was ahead of the budget requirement at this time.

Mr. Taylor stated that this was the only significant figure he had to report at this time, noting that property taxes and privilege licenses were their second and third largest source of revenue, and that they would know more about those the following month.

Councilman Kling stated that he was aware that every month was not equal and that, obviously, December was a big month. He asked Mr. Taylor where he felt they stood as far as

percentage of revenue that would be coming in for the full year.

Mr. Taylor stated that that would be difficult to say at this time. He stated that they actually would have to get to March to be comfortable to share a figure, and that there would still be a variance of about a percent, which was approximately \$1.5 million to them. He stated that they received most of their sales tax in the first four months of the year, and that history would tell them that they collected about 50 percent for the first six months, or half the year, noting that there were some low months in there, that January and February tended to be lower months. He stated that by the time they got to March, they would see what that figure was and be able to provide some kind of confidence, assuming all the variables stayed in place.

Councilman Kling asked if the month of December would represent 10 percent of the revenue for the full year, or less or more than that.

Mr. Taylor stated that, of course, an average month was 8 percent, and that the month of January would be the highest month of the year. He continued that he could not say exactly what that figure was, but noted that it would most likely be in the 10 to 11 percent range.

Councilman Showers stated that he would like to ask for approval of some travel.

Councilman Showers read and introduced a resolution

approving travel for Councilman Will Culver to attend the Chamber of Commerce Montgomery trip on March 7-8, 2015, as follows:

(RESOLUTION NO. 15-77)

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

Councilman Showers read and introduced a resolution approving travel for Councilwoman Jennie Robinson to attend the Chamber of Commerce Washington, D.C., trip on April 19-21, 2015, as follows:

(RESOLUTION NO. 15-78)

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

Councilman Showers read and introduced a resolution approving travel for Councilman Bill Kling, Jr., to attend the Chamber of Commerce Washington, D.C., trip on April 19-21, 2015, as follows:

(RESOLUTION NO. 15-79)

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

Councilman Showers read and introduced a resolution approving travel for Councilman Will Culver to attend the Chamber of Commerce Washington, D.C., trip on April 19-21,

2015, as follows:

(RESOLUTION NO. 15-80)

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

Councilman Showers read and introduced a resolution approving travel for Councilman Will Culver to attend the 2015 Alabama League of Municipalities Annual Convention, Tuscaloosa, Alabama, May 16-19, 2015, as follows:

(RESOLUTION NO. 15-81)

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

Councilman Showers read and introduced a resolution approving travel for Councilman Richard Showers, Sr., to attend the 2015 Alabama League of Municipalities Annual Convention, Tuscaloosa, Alabama, May 16-19, 2015, as follows:

(RESOLUTION NO. 15-82)

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

Councilman Showers read and introduced a resolution approving travel for Councilwoman Jennie Robinson to attend the 2015 Alabama League of Municipalities Annual Convention, Tuscaloosa, Alabama, May 16-19, 2015, as follows:

(RESOLUTION NO. 15-83)

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

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

President Russell recognized Mayor Battle.

Mayor Battle announced the following reappointment: Shelia Brown to the Research Park Board, for a term to expire June 22, 2019.

Mayor Battle stated that there would be a free Senior Crime Prevention Academy held on Thursdays, February 26 through May 28, from 1 to 4 p.m. at the Public Safety Training Academy on Sparkman Drive. He stated that this was put on by the Police Department and was a great event. He continued that it helped persons get to know the police, that they became persons' partners, as their eyes and ears. He stated that if persons were interested in this, they should contact the Police Department.

Mayor Battle stated that on the following Saturday, there would be a Mardi Gras parade in downtown Huntsville at 3:30 p.m.

Mayor Battle stated that the BIG Picture Citizens Academy on Aging would be held on Wednesday, February 18, at 2 p.m., in the Council Chambers of the Municipal Building. He stated that they would be discussing the impact of everything from housing options to transportation to mobility to quality of life for

aging citizens. He stated that the guest speaker would be Whit Blanton.

Mayor Battle stated that he would like to invite everyone to come out on February 23 at 7 p.m., in the Council Chambers, where the Huntsville/Madison County Legislative Forum would be held. He encouraged everyone to attend and let their legislators know their thoughts right before the next session would be started. He stated that this would be an open forum for anyone who had concerns they would like to talk to the legislature about.

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

President Russell recognized Councilman Culver.

Councilman Culver apologized for arriving late for the Council meeting, noting that there was a situation concerning a traffic accident.

Councilman Culver recognized some college students in the audience and asked them to introduce themselves and say why they were present at the meeting.

Ms. Amber Staples stated that she was a graduate student in Urban and Regional Planning at Alabama A&M University.

Mr. Robert Turner stated that he was also a graduate student. He stated that he had a question for the Council concerning Affordable Housing, Low-Income Housing, Energy Efficiency. He asked what they were doing as far as proper insulation and energy efficiency for low-income housing. He

asked if there was someone he could contact concerning this.

Councilman Culver stated that Community Action Partnership provided insulation in conjunction with Community Development. He stated to Mayor Battle that he believed they had committed some funds to weatherize persons' homes who fell within a certain income category. He stated that this was a good thing, because they were paying for utility bills, and they would not have to expend this money if they could winterize houses and keep persons' utility bills more affordable. He continued that then he would not have to constantly call on Huntsville Utilities to help them out when they ran out of money. He continued that they got Federal money, approximately \$3 million per year, to help with various projects. He stated that this money did not last long, but they did the best they could with it, coupled with what they got from the City.

Councilman Culver told Mr. Turner to feel free to contact Mr. Benion or him at Community Action Partnership.

Mr. Turner stated that he would contact Councilman Culver. President Russell recognized Councilman Kling.

Councilman Kling stated that during the period since the prior Council meeting, the City had suffered the loss of a really great citizen, a gentleman whom he had known for many years and felt that many persons in the room had known. He stated that Ed Ottman had passed away. He stated that he had served as one of the founding members of the Solid Waste Authority and had served there for numerous years, noting that

he had assured proper management was being done on this Board, and that he would be greatly missed. He stated that Mr. Ottman had also been very active in the Cahaba Shrine for numerous years. He continued that he had worked at Redstone Arsenal, and that in political circles, he had been the campaign manager/coordinator for former Mayor Joe Davis, who had been elected for numerous terms. He stated that Mr. Ottman was a friend and a person whom he felt had a lot of respect in the community, both on the Arsenal and in the civilian population and in City government.

Councilman Kling asked Mr. Tommy Brown, Director of Parking and Public Transit, to come to the microphone.

Mr. Brown appeared at the microphone.

Councilman Kling stated that there had been a neighborhood issue that had been communicated to him and stated that he just wanted to wave a flag at Mr. Brown so that he could assist in addressing it. He stated that the Mayfair neighborhood had contacted him, that several people in that Neighborhood Association had expressed concerns. He continued that there was a "No Left Turn" sign on the eastern part of Center Avenue where it came out into Whitesburg Drive, and that, also, there were "No Parking" signs on Center in that area. He stated that the neighborhood had told him that there had been numerous violations, and that he had told them he would relay this to Mr. Brown so they could try to get enforcement in that area.

Mr. Brown stated that their parking enforcement officers

continued to patrol that area. He stated that according to the supervisor, there was not a lot of citation activity because there were not a lot of violations, but they did continue to patrol the area. He stated, concerning the turn movements in the area, that he would refer that to Captain Malone, noting that he understood they were aware of the situation.

Councilman Kling stated that there were City signs there, and that, according to the neighborhood, there appeared to be a lot of violations. He stated that he had advised these persons that he would relay this to the appropriate people.

Mr. Brown stated that they would continue to enforce in that area and to make sure they were in that neighborhood on a regular basis.

Mr. Hamilton stated that he had addressed the concerns about the traffic violations earlier to the Police Chief, and stated that they would continue to monitor that.

President Russell recognized Councilman Showers.

Councilman Showers stated that he had had the opportunity to attend the Diversity Leadership Program and had been one of the speakers, on the prior Tuesday evening.

Councilman Showers stated on the prior day, he had had the opportunity to attend the Boys & Girls Clubs of North Alabama Youth of the Year Luncheon.

Councilman Showers stated that Councilwoman Robinson had formed the Business Alliance in South Huntsville, and that he had had an opportunity to discuss this with her, and that he

had told her he was interested in creating the same opportunity in North Huntsville, between Oakwood Avenue and Max Luther Drive. He stated that they had a similar situation in that area, that stores had closed, businesses had gone out of business, and there was some dilapidation. He stated that on the following day at 2 p.m., they would be meeting in City Hall, on the 7th floor, and that he had invited several business persons to come to the meeting. He stated that the purpose of the meeting was to organize a business association, so that they might be able to put their minds together on how they could better enhance the area between North Oakwood and Max Luther Drive. He stated that he was also inviting others to this meeting, and that he had asked their leader, Dr. T.C. Johnson, to ask their committee to attend this meeting.

Councilman Showers stated that he was concerned, noting that for over 45 years the school district had been under a desegregation lawsuit. He continued that there had been several attempts to move from the fact that they were not unitary in Huntsville. He stated that the United States Department of Justice had received a consent plan from the Board, and the DOJ had submitted a plan to the Board, and that both of the plans were denied. He stated that the judge, Judge Haikala, had decided she wanted to revisit the matter and create a team of persons from the Board district and the DOJ to resubmit a Consent Order that would allow unitary status.

Councilman Showers stated that overall, in looking at the recent Consent that was submitted by the Board of Education, little had changed. He stated that although this Consent Order was in the hands of those who had received the document on February 8th, it was apparent that the District had convinced the United States that it was feasible to continue to operate two independent school systems, one in the North, predominantly black; one in the South, predominantly white.

Councilman Showers stated that the Consent Order did not address nor alleviate this fact. He stated that based upon the proposed feeder patterns, students from the majority of the failing schools would have no relief but to attend a failing school at the next level, with all being in North Huntsville.

Councilman Showers stated that Butler High School, a failing school, was being proposed and recommended to be closed. He continued that Huntsville High School was approximately three miles from the Butler site, but there was another school the Butler students were being proposed to attend which was 12 miles from the Butler site, being Jemison High School, to the north.

Councilman Showers stated that the district was determined to keep the black school district in the north and the white school district in the south. He continued that it appeared they were determined to not change, to not correct this 45-year-old problem.

Councilman Showers stated that Huntsville had been bound

by this desegregation order, and that at this time, after 40-plus years, they were not close to unity, that the city was still divided. He stated that as long as there were two school districts, one black and the other white, Huntsville was not ready for unitary status.

President Russell recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had had the opportunity the past month to hold her first town hall meeting and thanked the Friends of the Bailey Cove Library who had hosted this meeting. She stated that they had had 60 persons in attendance, with standing room only, noting that this was pretty remarkable, given there were no controversial issues, that it was just a very friendly get-to-know-you meeting. She stated that she was looking forward to the next meeting, to be held on April 30 at 6:30 p.m. at the Bailey Cove Library. She thanked everyone who had made the meeting a great success.

Councilwoman Robinson stated that during the week, there had been the second meeting of the South Huntsville Business Association. She stated that Kathy Martin, City Engineer, and Les Hopson from ALDOT had presented the proposed road plans that would be taking place in South Huntsville. She stated that this provided the businesses an opportunity to ask questions about how this might impact them and to begin that two-way communication that was one of the objectives when they had formed the Business Association. She stated that the meeting was held at Torch Technologies and that Bill Roark had

taken the occasion to share with them his vision for his expansion on South Parkway. She continued that she was hoping he would serve as a model for other commercial enterprises that might want to begin revitalizing that portion of the Parkway. She stated that they would be meeting again on March 10, and that their focus would be on economic development and some of the efforts that were going to be made to revitalize that area.

Councilwoman Robinson stated that she was really looking forward to meeting with Councilman Showers and persons who were interested in following this model. She continued that she had been told that there were other parts of the city that wanted to follow it as well. She stated that it was a great model to get businesses talking to each other and talking to the City, and that it provided a service to the city as well, so that it would just have that one voice to work with. She stated that communication was critical in good government and that this was one small step they were taking to make this happen. She stated that she looked forward to working with Councilman Showers to make this happen in North Huntsville, as well.

Councilwoman Robinson stated that she had also had the opportunity to attend the comment sessions on the proposed Consent Order. She stated that there was certainly a lack of clarity in the Order and that this had led to some confusion. She stated that it was not perfect, by any means, but that it was good. She continued that there was a saying that "Perfect

should never be the enemy of good" and stated that that was certainly true in this case. She stated that it was an opportunity to move forward as a community, and that she hoped they would seize this opportunity, so that in years to come, as they did the hard work that would be required by the Consent Order, the city, as a whole, would eventually deserve to be granted unitary status by the Courts, noting that she believed this was possible.

Councilwoman Robinson stated that she would like to thank a number of department heads who had been incredibly helpful to her and to the residents in District 3. She stated that she had told Terry Hatfield earlier in the day that she thought he and his staff were miracle workers and thanked them for their efforts on behalf of some of the residents. She stated that she would also like to thank Kathy Martin and Marty Calvert on the Engineering Staff and Shane Cook and Joy McKee, who had taken time out of their very busy schedules to come and look at some issues that some of the residents had and do some creative thinking in order to address these issues.

Councilwoman Robinson stated that if she had learned anything in the months since she had been serving on the Council, it was that they had tremendously dedicated, service-oriented people working for the City. She continued that she was so grateful to be a small part of this.

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

President Russell stated that the next item on the agenda was Resolution No. 14-956, concerning the vacation of a portion of National Boulevard and Meadowbrook Drive, abutting the new Grissom High School Campus, which resolution was postponed at the January 22, 2014, Regular Council Meeting until this meeting.

President Russell asked Ms. Anderson if this resolution was in order at this time.

Ms. Anderson replied in the negative. She stated that they were asking that this be postponed once again, noting that they needed to get some paperwork in. She asked that it be postponed until the Regular Council Meeting on February 26, 2015.

President Russell stated that the Council would not take up this resolution for action at this time.

President Russell stated that the next item on the agenda was New Business Items for Introduction. He stated that, as he had mentioned earlier, the Administration had asked that this ordinance be considered at this time, noting that this would require unanimous consent.

President Russell read and introduced an ordinance amending Section 20 of Ordinance No. 04-315, Personnel Policies and Procedures, for modification to the Smoking Policy, as follows:

(ORDINANCE NO. 15-84)

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: Showers, Robinson, Culver, Kling, 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 Kling.

President Russell asked Mr. Byron Thomas, Director of Human Resources, for an explanation of the above ordinance.

Mr. Thomas stated that this was an amendment to the Personnel Policies and Procedures Manual. He continued that this would update the smoking policy to include electronic cigarettes. He stated that they also wanted to address tobacco products, such as chewing tobacco and things of that nature. He continued that there was no change to the policy of prohibiting smoking in City buildings, as well as City vehicles.

President Russell asked if there were any questions concerning this matter.

Councilman Showers asked if the smoking ordinance as it was at this time addressed the distance persons had to be away

from building entrances in order to smoke. He stated that most institutions that had smoking ordinances on record had a distance that one would have to be from the entrance to smoke, noting that persons could not be at the front door nor at the back door but a certain number of feet away. He asked Mr. Thomas if they foresaw including this in this ordinance.

Mr. Thomas stated that it was certainly something they could look at. He stated that they had not addressed it in the amendment that was before the Council at this time, but that they would research it and get back with the Council at a later date concerning it.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-84, and it was unanimously adopted.

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 an agreement between the City of Huntsville and loanDepot.com, LLC, as a Participating Lender for the Down Payment Assistance Program, as follows:

(RESOLUTION NO. 15-85)

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 National Commerce Corporation, as a Participating Lender for the Down Payment Assistance Program, as follows:

(RESOLUTION NO. 15-86)

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 commit HOME funds to Stratus Development, LLC, for Lenox Park Senior Apartment Community, as follows:

(RESOLUTION NO. 15-87)

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 a contract between the City of Huntsville and Family Services, Inc., for the new construction of affordable housing using Community Housing Development Organization (CHDO) proceeds, as follows:

(RESOLUTION NO. 15-88)

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. 1 to the agreement between the City of Huntsville and New Futures, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 15-89)

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. 1 to the agreement between the City of Huntsville and Family Services Center, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 15-90)

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. 2 to the agreement between the City of Huntsville and Community Action Partnership of Huntsville/Madison & Limestone Counties, Inc., for service to the homeless population, as follows:

(RESOLUTION NO. 15-91)

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. 2 to the agreement between the City of Huntsville and Community Action Partnership of Huntsville/Madison & Limestone Counties, Inc., for weatherization services for the extremely low and low income population, as follows:

(RESOLUTION NO. 15-92)

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 a Memorandum of Understanding between the City of Huntsville and Benton H. Wilcoxon Municipal Iceplex Board regarding Municipal Iceplex expansion, as follows:

(RESOLUTION NO. 15-93)

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 a Cooperative Agreement between the City of Huntsville, dba Huntsville-Madison County Emergency Management Agency, and the Alabama Law Enforcement Agency for State Homeland Security Grant Program, Assistance Allocation-Letter of Agreement (4ICL), as follows:

(RESOLUTION NO. 15-94)

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 with the low bidder meeting specification as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 15-95)

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 a joint purchase agreement with the Madison County Commission for the joint purchase of crushed stone, as follows:

(RESOLUTION NO. 15-96)

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 in various departments and funds, as follows:

(ORDINANCE NO. 15-97)

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. 14-655 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 15-98)

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 authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 15-99)

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 modify the Special Employment Agreement between the City of Huntsville and Carlos L. Bowden, as follows:

(RESOLUTION NO. 15-100)

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 Cavanaugh MacDonald Consulting, LLC, for the purpose of providing actuarial analysis of the City's

retiree health insurance plan, as follows:

(RESOLUTION NO. 15-101)

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 U.S. Marshals Service to accept overtime funding for officers assigned to the Regional Fugitive Task Force, as follows:

(RESOLUTION NO. 15-102)

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

President Russell moved for approval of a request for authorization to advertise and fill vacant budgeted position of General Services Controls Technician, at a higher rate than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell read and introduced a resolution authorizing a Cooperative Agreement between the City of Huntsville and the United States Department of Agriculture Animal and Plant Inspection Service (APHIS) Wildlife Services (WAS), as follows:

(RESOLUTION NO. 15-103)

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 Roark Chainsaw Carving for Earth Day Event at Hays Nature Preserve on April 18, 2015, as follows:

(RESOLUTION NO. 15-104)

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. 17 to Supplemental Development Agreement, TIF5 Series 2010-A, between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 15-105)

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 Clerk-Treasurer to invoke First Commercial Bank Letter of Credit No. 129 for Hawks Ridge 5th Addition, as follows:

(RESOLUTION NO. 15-106)

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 Falconstar Software, Inc., for maintenance and support, as follows:

(RESOLUTION NO. 15-107)

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 a Utility Relocation/Reimbursement Agreement between the City of Huntsville and American Midstream, L.L.C., for Relocation of Utility Facilities for Greenbrier Parkway, Phase III, Project No. 65-13-RD02, as follows:

(RESOLUTION NO. 15-108)

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. 1 to the agreement between the City of Huntsville and LBYD, Inc., for Engineering Design Services for Rideout Road-ALDOT Improvements, Project No. 65-14-SP17, as follows:

(RESOLUTION NO. 15-109)

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 amending, by Change Order No. 2, the contract between the City of Huntsville and Miller & Miller, Inc., for Gateway Greenway, Phase II, Base Bid and Option No. 1, Option No. 2, Option No. 3, Option No. 4A and Option No. 5, Project No. 65-13-WP01, as follows:

(RESOLUTION NO. 15-110)

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 Garver, L.L.C., for Engineering Construction Administration Services for Zierdt Road, Project Nos. 65-06-RD01 & ACAA-6033-ATRP(008), as follows:

(RESOLUTION NO. 15-111)

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, Midsouth Paving, Inc., for Gateway Greenway, Phase III, Project No. 65-14-WP01, as follows:

(RESOLUTION NO. 15-112)

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. 1 to the agreement between the City of Huntsville and Garver, L.L.C., for Engineering Services for 2014 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis & Reporting, Project No. 65-14-SP20, as follows:

(RESOLUTION NO. 15-113)

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. 1 to the agreement between the City of Huntsville and Garver, L.L.C., for Land Surveying Services for Sanitary Sewer Manhole Mapping, Project No. 65-14-SP08, as follows:

(RESOLUTION NO. 15-114)

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 Garver, L.L.C., for Engineering

Construction Administration Services for 2014 Water Pollution Control Sanitary Sewer Rehabilitation, Project No. 65-15-SP12, as follows:

(RESOLUTION NO. 15-115)

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

President Russell moved for approval of a request for authorization to advertise and fill vacant budgeted position of Parking Services Clerk, at a higher rate than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved.

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 and Brimstone Music Group, Inc., as follows:

(RESOLUTION NO. 15-116)

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 the Administration had requested the Council to consider item 15.x on the agenda, Ordinance No. 15-117, an ordinance declaring certain property as surplus and no longer needed for a municipal purpose, at

this meeting. He stated that this would require unanimous consent of the Council.

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

(ORDINANCE NO. 15-117)

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 a vote, the following vote resulted:

AYES: Showers, Robinson, 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 asked Mr. Davis for an explanation of the above ordinance.

Mr. Davis stated that before they could ask the Council to enter into a ground lease with the development group, they first had to declare both pieces of property, the Holiday Inn site and the Williams Aquatic Center site, as surplus.

Mr. Davis stated that it had been mentioned earlier in the

meeting that the City had paid \$6.8 million for the Holiday Inn site. He stated that at this time, with the Council's vote, they would not be giving this property away, that they would still have control, that they would be entering into a lease. He continued that concerning the 2.6 acres of the Williams Aquatic Center, the developer would have the right to enter into a \$60,000 per year, 99-year lease or a \$1 million purchase.

Mr. Davis stated that the first item of business the Council had on this development was to declare the property surplus.

President Russell asked Ms. Anderson why the Council had to declare the property surplus, noting that this seemed strange to him.

Ms. Anderson stated that State law required that before any property was leased, it had to be declared surplus by the municipality.

President Russell asked if there were any questions concerning this matter.

Councilwoman Robinson asked if it was correct that "surplus" meant that the municipality had no use for it.

Ms. Anderson replied in the affirmative, stating that it would be appropriate to declare it surplus if the municipality considered there was no appropriate use for it.

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

There was no response.

President Russell called for the vote on Ordinance No. 15-117, and it was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Ground Lease between the City of Huntsville, Alabama, and CRS CityCentre, LLC, as follows:

(RESOLUTION NO. 15-118)

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

President Russell recognized Mr. Davis.

Mr. Davis stated that this was the lease agreement, noting that it provided for \$144,000 annually for 99 years for the Holiday Inn site, and there was also the Option 2 property, the 2.6 acres, with the option of either a \$60,000 per year annual lease or a \$1 million purchase.

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

Councilman Kling stated that a lot of hard work had gone into this effort, and that he just wanted to thank all the persons who had been involved in this for all they had done, and also to welcome the developer.

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

There was no response.

President Russell called for the vote on Resolution No. 15-118, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Development Agreement between the City of Huntsville, Alabama, and CRS CityCentre, LLC, as follows:

(RESOLUTION NO. 15-119)

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

President Russell recognized Mr. Davis.

Mr. Davis stated that this was the final document that was needed to move the project forward, noting that it was the Development Agreement. He stated that it contained the requirements for the City to do, as far as the streetscape, and the requirements of CRS CityCentre, what they must build in Phase 1, as he had gone through in his presentation, and also the Phase 2 timeline.

Mayor Battle stated that this Development Agreement had been passed through numerous departments of the City, including Planning, Finance, Engineering, Administration, and Legal, and that all these departments had weighed in on it. He stated that it had been a good process to go through and he felt they had a very good agreement.

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

There was no response.

President Russell called for the vote on Resolution No. 15-119, and it was unanimously adopted.

Mr. Davis thanked the Council for the confidence they had in the Administration in bringing projects such as this to the community and thanked them for their vote.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Special Employment Agreement between the City of Huntsville and Brenda M. Martin, as follows:

(RESOLUTION NO. 15-120)

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

President Russell asked that someone from Administration explain why the above Employment Agreement was needed.

Mayor Battle stated that this was a special contract, a renewal of a contract they had just had. He stated that Ms. Martin provided the services of an on-air host and did interviews that gave the City more transparency and discussed what the City did, how they did it, and why they did it. He continued that this was part of the City's transparency policy, making sure that persons understood what the process of the City was and what they were working on. He stated that Ms. Martin had interviewed many persons in the audience at this time, including City department heads, and had had interviews that were very enlightening for the general public, so that

they could understand what the City was doing. He stated that this was a not-to-exceed \$23,000 contract.

President Russell stated that he had not been in support of this contract the previous time it had come before the Council. He continued that he saw the program on TV and assumed it was doing a good job, but that he was still skeptical as to why they had to have another person added to the administration cost to do this. He stated that Brenda Martin did a fine job, but she was not an employee. He stated that his question continued to be why add more cost to the administration of the City.

Mayor Battle stated that he felt the thing was if they were going to have a communications process, they needed to go through the whole process, that they needed to make sure they had the possibility of doing this. He stated that as far as if someone else in the City could do it, they had a number of persons who would be doing this, including Kenny Anderson, Ms. Schrimsher, and himself.

Mayor Battle stated that, however, they needed someone professional in there, someone who professionally understood the City. He continued that Ms. Martin had worked for many years for the City and understood the City, understood what they did. He stated that she could take that understanding of the City and talk to City department heads, City agencies, and reflect their role as they interacted with the public. He stated that to him this was one of the best ways they could

spend money, and it was also one of the cheapest ways they could get an employee, because they did not pay any benefits on this \$23,000. He continued that Ms. Martin was retired from the City and that this \$23,000 did not cost them, like any other employee, a 40 percent load on benefits. He continued that it was a not-to-exceed \$23,000 contract.

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

Councilman Kling asked if the job description was the same as it had been in the prior contract.

Mayor Battle replied in the affirmative.

Councilman Kling stated that previously Ms. Martin had served as head of Multicultural Affairs for the City and asked if at this time all of that, the community outreach and that area, was Kenny Anderson's area.

Mayor Battle stated that that was correct.

Councilman Kling stated that they had two well-defined parameters they were in.

President Russell recognized Councilman Culver.

Councilman Culver stated that he just wanted to add to that that Ms. Martin had worked for three prior administrations, and he felt she brought a lot of credibility to what was happening in City government, not just in the African American community but throughout Huntsville, because she had made those connections. He stated that he was aware there were some legal ramifications, but at \$23,000 a year for

what she did, she was being very generous, that she was being very philanthropic to them. He stated that he certainly supported this resolution.

President Russell asked if there was any further comment. There was no response.

President Russell called for the vote on Resolution No. 15-120, and the following vote resulted:

AYES: Showers, Robinson, Culver, Kling

NAYS: Russell

President Russell stated that the resolution had passed.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into a Consulting Agreement between the City of Huntsville and the Schrimsher Company, Inc., as follows:

(RESOLUTION NO. 15-121)

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

President Russell asked Mayor Battle for an explanation of the above resolution.

Mayor Battle stated that this was the same contract they had had in the prior year with Ms. Schrimsher, noting that she provided communication services to the Administration and the full City. He continued that she was part of their transparency communications policy. He stated that she worked under contract rather than receiving benefits, and that it was

a straight contract. He stated that this worked very well for the Administration.

President Russell asked Mayor Battle why Ms. Schrimsher could not do the TV program that Ms. Martin did.

Mayor Battle stated that in the Administration office they were always running from one issue to another issue, making sure that people understood what they were doing, why they were doing things. He stated that to take the couple of hours out to go up to ETV to do a program and come back, that there just would not be that much time in a day. He stated that Ms. Schrimsher already worked 40- or 50-hour weeks for the City of Huntsville. He stated that he could assure them that if he could double up on people, he would, but he did not want to kill anyone, either. He stated that he felt it was better that they had the proper people in the proper places and enough people to actually do the job.

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

Councilwoman Robinson stated that there were two different skill sets involved, that what Ms. Martin was doing was scripting programs, scheduling programs, and coming up with program content. She continued that this was really different from what Ms. Schrimsher was doing in her PR and Communications Director role in the City.

President Russell stated that Ms. Schrimsher had actually worked for a television station for years, and that

Mr. Anderson continued to run a program on Sundays. He stated that his question had been concerning the fact that they had two very capable people and if they needed three. He stated that that was his line of reasoning, and that it was not concerning individual persons, that it was just why three rather than two.

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

There was no response.

President Russell called for the vote on Resolution No. 15-121, and it was unanimously adopted.

President Russell stated that the next item on the agenda was Legal Department Items/Transactions. He stated that item 16.b.1 had been deleted from the agenda.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a 15-foot Utility and Drainage Easement, Lot 8, Chapman Heights 10th Addition (Huggins-Epworth Drive), as follows:

(ORDINANCE NO. 15-122)

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 authorizing the vacation of a portion of a Utility and Drainage Easement at Strong Commercial Center Phase 2, Highway 72 West (Nance Road Investment Partners), as follows:

(ORDINANCE NO. 15-123)

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 authorizing the vacation of a 10-foot Sewer Easement, 308 White Circle (Johnson-White Circle), as follows:

(ORDINANCE NO. 15-124)

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 consenting to the vacation of a right-a-way along Lot 2, Calhoun Community College Place, Wynn Drive (Wynn Drive-Calhoun), as follows:

(RESOLUTION NO. 15-125)

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 authorizing the vacation of a right-a-way along Lot 2, Calhoun Community College Place, Wynn Drive (Wynn Drive-Calhoun), as follows:

(ORDINANCE NO. 15-126)

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

and was unanimously adopted.

Ms. Anderson submitted the following deed for approval:

(DEED)

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

President Russell stated that the next item on the agenda was Non-Roster Communications from the Public. He stated that if there were persons who would like to address the Council at this time, they should go to the microphone, state their name and address, and that they would have three minutes to address the Council.

Ms. Jackie Reed again appeared before the Council, stating that she was sorry if she had appeared rude in her previous remarks, but stated that she simply wanted them to use some common sense when they were dealing with government matters.

Ms. Reed stated that she would like to thank Joy McKee and others who had cleaned up at Holmes Avenue and Woodson Street, noting that it certainly looked a lot better.

Ms. Reed stated that she really was concerned with how the City was giving money away and helping all the developers. She stated that the next thing that would be going would be the Joe Davis Stadium. She stated that the Council needed to hold some work sessions on the stadium, noting that she believed they were going to give that away too. She stated that she wanted the public to know that that was in the making, tearing

it down and giving it to a developer, saying that the City did not need it, that it was surplus. She stated that they needed to think about what they were doing, noting that she did not know who was running the City, that she certainly would like to know who was telling who what. She stated that she did not believe the Mayor was running the City. She questioned whether it might be Downtown, Inc., Big Spring Partners, or Downtown Redevelopment. She asked if all these persons were telling them what to do.

Ms. Reed stated that the Council was not holding any work sessions, that they were not bringing anything before the public any more. She stated that there should be some discussion in a work session before all these matters were brought before the Council and they voted on them. She stated that this really concerned her.

Ms. Reed stated that she believed they had put possibly \$10 million into the Belk property, and that at this time the big mall was empty, that 37 stores were empty. She stated that they had Whole Food that they had given \$8 million to, in that corner, noting that she drove through that area every day, and that she felt that was going to be one big wreck at that location. She stated that buildings were empty all over the city, and that the roads and traffic were terrible. She stated that the public wanted to know when they were going to quit helping the developers and downtown. She stated that they should look at the roads in the city.

Ms. Reed stated that she would like to know where they stood on Madison Pike, noting that this was something that had been started eight years prior and she had not heard a word about it. She asked when that street would be opened.

Ms. Lineise Arnold, 2112 Buckingham Drive, appeared before the Council, stating that she would like to thank them for their support in 2014 of the North Alabama Coalition for the Homeless. She continued that they were striving to eradicate homelessness in the city. She stated that they would like to thank the Transportation Department for providing free rides to the emergency warming centers and the Community Development Department for their financial assistance for these warming centers. She stated that they would also like to thank Mayor Battle for his support in 2014.

Ms. Arnold stated that on January 27, 2015, NACH had conducted their HUD-mandated annual point-in-time count of all the homeless citizens in North Alabama. She stated that they would like to thank Ken Benion, Turkessa Coleman Lacey, and Patricia McCarter, and thank John Hamilton for sending Officer Tory Green to assist them in their street population count.

Ms. Arnold stated that she was pleased to report that they had seen a decrease in the homeless population in Madison County by approximately 89 persons, and a total of 118 individuals in North Alabama.

Ms. Arnold stated that although much had been accomplished, they still had much work to do. She stated that

they were still seeing 62 individuals that were residing in camps, as well as under other uninhabitable conditions.

Ms. Arnold stated that in January of 2015 they had operated the warming center and housed approximately 62 individuals. She stated that they were pleased to announce at this time that they would be opening the warming center on the following Saturday to house individuals that were in the camps.

Dr. Clarence Johnson again appeared before the Council, stating that he was certainly appreciative of all the great work going on in and around Huntsville. He stated that, of course, his concern was for where he lived, in North Huntsville, and as to what was going to happen in that area.

Dr. Johnson stated that he was especially pleased with what was going on with the building of Grissom High School, and not only that but how the City had gotten engaged, noting that retail had come in and that housing was being put in at that location. He stated that this would guarantee the longevity of the high school and its feeder system.

Dr. Johnson stated that, on the other hand, in the North, he was being told that the schools were going to be wonderful schools, but that he did not see any longevity, that he still saw the exodus of persons in the North going to the South where it was understood that there would be a better education for their children. He stated that he believed if the City got in gear and got behind the schools in the North as they had gotten behind Grissom, there would be a much better rounded city and

education system. He stated that, unfortunately, the School District could not do it by themselves, that it took that model the City and the School Board had shown with Grissom High School, noting that he applauded them for Grissom. He stated further that he applauded the City for all they did and were doing for the homeless citizens, noting that this warmed his heart.

President Russell recognized Councilman Kling.

Councilman Kling asked if perhaps the previous speaker could announce where the warming shelters were located so that the word could get out in the community. He continued that perhaps assistance could be provided for transportation.

Ms. Arnold stated that the warming center would be at Grateful Life Church, noting that at this time this was the only warming center they had for individuals. She stated that if they had families that were in need of shelter, their goal was to have hotel vouchers in order to help them out. She stated that currently they had not had a facility to step up to house families.

Mr. Hamilton stated that they had also been informed that the Downtown Rescue Mission would do what they typically did, noting that they opened up additional space for persons that would not otherwise be able to stay inside the Downtown Rescue Mission.

Ms. Arnold stated that the Downtown Rescue Mission was accommodating, but they were having a few issues with their

homeless clients being able to go to the Salvation Army. She stated that they had enacted a 90-day length-of-stay policy, which was subject to be renewed based upon the client's progress. She stated that if it was 32 degrees or below, the clients were allowed to go to the Salvation Army if they had extended their 90 days, but at 40 degrees or anything in between, they were not allowed to go.

Dr. Gregory Stargell, 117 Whitestone Drive, appeared before the Council, stating that he was coming before the Council at this time pretty much piggy-backing off of what Councilman Showers had said regarding the empty buildings between Oakwood Avenue and Max Luther Drive. He stated that, however, he would like to take this a bit further. He stated that his concern was with the ones on Meridian Street, noting that there were approximately five.

Dr. Stargell stated that his question was who he would contact to obtain information about these buildings so that they could be acquired and repaired, noting that they were making this area look bad. He stated that persons in the community wanted to take on this project in order to better the community.

Dr. Stargell stated that he had already tried going to the web site and contacting Community Development, et cetera, and all he kept getting was the run-around, that he had been sent to one area, which he would call, and then they would send him to another. He stated that he was appearing before the Council

in an attempt to determine who the person or division would be that he would speak to in regard to this matter.

President Russell asked Mr. Hamilton if he could respond to Dr. Stargell.

Mr. Hamilton stated to Dr. Stargell that he would discuss the matter with him immediately after the Council meeting.

Mr. Eric Truitt again appeared before the Council, stating that he had been cut off when he was speaking during the Public to be Heard section of the meeting. He stated that he was waiting to see if anyone had any comments in relation to his assertion that the ordinance regarding mobile homes was unconstitutional. He stated that he believed everyone was aware that the real purpose of the ordinance was economic discrimination, to keep low-income families from being able to own a home inside the city.

President Russell asked Mr. Truitt if he was asking the Council a question.

Mr. Truitt asked if any of the Council members had any response to his statements.

President Russell stated that he believed Mr. McGuffey had said that it was some kind of design standard to keep mobile homes out of the city, noting that he did not know if those were his exact words, but that he assumed neighborhoods did not want mobile homes in their neighborhoods. He stated that if Mr. Truitt was asking when this law was passed, he could not answer that question.

Mr. Truitt asked that the Council vote to repeal this ordinance, inquiring as to how a person would go about getting a vote on this.

President Russell stated that if any Council member wanted to change any law, all they had to do was to make a motion, and then they would go through the system. He stated that if a Council member wanted to sponsor that, that would be what would happen.

Mr. Truitt asked the Council if anyone would sponsor it.

President Russell stated that if any Council member wanted to respond to this, they could do so.

Councilman Culver stated that he would like to know where Mr. Truitt was wanting to put this mobile home, and if it involved him or was just something he wanted to do generally. He asked if there was a hardship of some kind. He stated that these were questions he had regarding this matter. He stated that he would like to discuss it in private with Mr. Truitt, if that would be all right with him.

Mr. Truitt agreed to do so.

Councilman Kling stated that he was not prepared to make any motion or sponsor anything in this regard, but noted that there was a process they had to go through, and that it let a person bring up a concern, and at the same time it protected those persons who might be affected, by providing them the opportunity to have a public process. He stated that there was the Board of Zoning Adjustment, and that possibly there would

be some zoning issues that the Planning Department would be involved in. He stated that he felt for the Council to do something spur of the moment on this would not be a smart thing to do. He stated that he did not know what the process had been when this had been passed, but that he imagined it was very thorough, that most likely something was introduced, there was discussion at public meetings, there were recommendations from department heads, and the public would have been given a chance to comment.

Councilman Kling stated that, at the very least, if anyone were to do something, that most likely the best process would be a department looking at this, and if perhaps Mr. McGuffey believed a change needed to be made, he was aware of the process, where public hearings would be held, even before it got to the Council. He continued that if a Council member wanted to do something in this regard, they should let the process work, where the public would have the opportunity to have input on the matter, noting that in this way something would be looked at very thoroughly. He stated that it could be a good idea or perhaps it was not such a good idea. He noted that the Council went through a fair and equitable process for everyone.

Mr. Truitt stated that he was just inquiring as to how he could get this process started, to get this reviewed, and possibly get a vote on it at some future time. He stated that he had been informed that there was a variance process, but

stated that he did not believe a citizen should have to be burdened with applying for a variance in order to comply with an ordinance that was unconstitutional to begin with.

President Russell asked Councilman Culver if he was going to meet with Mr. Truitt.

Councilman Culver replied in the affirmative.

President Russell asked Mr. Hamilton if he would also be available.

Mr. Hamilton replied in the affirmative. He stated that Mr. McGuffey was present, and he could explain the process in more detail and exactly what Councilman Kling had spoken about, in terms of using the Planning Commission as it was designed, to consider these types of things and bring recommendations to the Council on such matters. He stated that there were reasons why there were a variety of zones in the city that property owners had their property zoned into at times. He stated that there was property that had been zoned 20 years prior, and that it protected the property for certain uses and against certain uses, as well as the property surrounding it.

Mr. Hamilton stated that there were good, valid reasons for designing the city using a zoning process. He stated that Mr. McGuffey was available to explain this, and to also make sure Mr. Truitt understood how he could seek a variance in his particular case. He stated that there was a process that the Planning Commission could undertake to make recommendations concerning the zoning ordinances, and that Mr. McGuffey could

explain that as well.

President Russell recognized Councilman Culver.

Councilman Culver stated to Ms. Anderson that, if he recalled correctly, he believed the ordinance that Mr. Truitt had been discussing did not deprive anyone, that, in essence, it was not a retroactive ordinance that caused all of the mobile home owners to have to move. He continued that he believed it stated that no new owners could purchase and put trailers in particular areas within the city limits but that it had not caused hardship on anyone, to cause them to move. He asked if this was correct.

Ms. Anderson stated that now that Councilman Culver had said this, it brought it to her recollection also. She stated further that the Zoning Ordinance had a grandfather provision, and to the extent there was some existing legal use of the property, it was typically grandfathered in. She stated that it would go away over time, but that there was a grandfather provision.

Councilman Culver stated that that was what he had thought, noting that there was a trailer park in the district he represented, and that it was still active, that it was just that no new owners were allowed to bring in trailers.

Mr. John Fisher again appeared before the Council. He stated that he had become a part of an investigation approximately 30 years prior that had been designed to bring Congress's attention to some national security issues,

corruption in the national security community.

Mr. Fisher stated that the Fourth Amendment to the Constitution of the United States forbid government to win certain types of litigation. He stated that he had had the experience of fighting a litigation that the City of Huntsville could not win for seven years.

President Russell advised Mr. Fisher that he could not discuss litigation against the City of Huntsville that was active.

Mr. Fisher stated that the issue was that the Council members were the persons who were now faced with this problem. He continued that they were faced with this problem because it was their responsibility to provide funding for the training and supervision of departments of the City. He stated that when a department of the City failed, it was their responsibility. He stated that this investigation intended to deal with the Council on this issue, that they were not going back to the courts because they were aware there was a problem there. He stated that the Council would be held responsible, that they would be held criminally and civilly responsible for the results past this point.

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

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER