

HUNTSVILLE CITY COUNCIL MINUTES  
Regular Meeting - September 14, 2023 - 5:30 p.m.

City Council Chambers, Municipal Building  
Huntsville, Alabama

**Members Present:** Mr. John Meredith, President  
Dr. Jennie Robinson  
Mr. Bill Kling  
Mr. Devyn Keith  
Mr. David Little

**Mayor:** Mr. Tommy Battle  
**City Administrator:** Mr. John Hamilton  
**City Attorney:** Mr. Trey Riley

---

President Meredith called the meeting to order at the time and place noted above.

President Meredith called for a moment of silence; Raylon Alexander, with Eagle Scouts from Troop 7156, led the pledge of allegiance, followed by Ms. Dani Caines singing the National Anthem.

President Meredith stated the next item was Approval of the Agenda, and he stated that item 20.at had been added to the agenda but would require a four-fifths vote of the Council in order to remain on the agenda and be considered at this meeting.

President Meredith moved that item 20.at, a resolution authorizing the Mayor to submit a grant application on behalf of the City of Huntsville for the Pedestrian Access and Redevelopment Corridor (PARC), Multimodal Corridor Systems Bridges Construction, be added to the agenda, which motion was seconded by Councilmember Robinson and unanimously approved.

President Meredith moved for approval of the agenda, as amended, which

motion was seconded by Councilmember Robinson and was unanimously approved.

The Minutes of the Regular Meeting of the Council on August 24, 2023, were approved as submitted.

President Meredith recognized Mayor Battle for special recognitions.

Mayor Battle asked Chief Kirk Giles, his Command Staff, and his officers to come forward.

Chief Giles introduced Officer Michael Bond, the officer to be recognized, and he stated that on January 15th of the current year, Officer Bond had responded at a local hotel for a possible overdose, and upon arrival on the scene, he observed the victim lying on the ground, and a male subject attempting to render aid. He stated Officer Bond had assessed the victim's condition and determined she was not breathing and did not have a pulse, and at that point, he started CPR and requested assistance. He stated that Officer Bond had continued doing the chest compressions, and the victim had regained consciousness.

Chief Giles stated it was his honor at this time to present a life-saving medal to Officer Bond.

Mayor Battle stated September was Huntsville Music Month, and a lot of events pertaining to this had already happened, and since this was the first Council meeting in September, they had wanted to present some special music, and he thanked the Huntsville High School Band for the entertainment they provided prior to the meeting.

Mayor Battle asked Mr. Matt Mandrella, the City Music Officer, to come forward and talk a little bit about Music Month and make the presentations he wished to make.

Mr. Mandrella stated September was officially Huntsville Music Month, that it was the celebration of All Things Huntsville Music, celebrating the music

environment, from education to creation, to amazing shows at the Orion Amphitheater, and everything in between.

Mr. Mandrella asked the director and members of the Huntsville High School Band to come forward, and he thanked them for significantly contributing to a more inclusive, inspired, and creative music environment, and enhancing the quality of life for the city's citizens and visitors.

Mr. Mandrella asked that the Huntsville High School band director introduce himself and say a few words.

Mr. Stuart Tankesley stated he was the band director at Huntsville High, and he stated they had the privilege of being accepted to the 2024 New Year's Day Parade in London, England, and this was very exciting, that they were taking 200 people to represent the city of Huntsville. He stated this parade was attended by half-a-million people in person, and it was broadcast around the world, and it would be on Alabama Public Television at 6 a.m. on New Year's Day, and they hoped people would watch. He thanked the community for their support on this, noting that they had received numerous donations that were certainly appreciated.

Mr. Mandrella stated one of the most dynamic voices they had in their music system was the lovely young lady who had just sung the national anthem for them, and he asked Ms. Dani Caines to come forward.

Mr. Mandrella stated a big initiative of theirs during Huntsville Music Month was a Women in Music Week. He stated this had started as a Women in Music Weekend, showcasing more than 20 female artists around Huntsville, in various venues, and it had grown to a Women in Music Week, which would start on the following day and go through September 24 and showcase more than 60 female entertainers in the Huntsville area, in different venues, with one of the most dynamic and special ones being Ms. Caines.

Mr. Mandrella made a presentation to Ms. Caines, and she expressed appreciation for the recognition.

Mr. Mandrella stated that people could go to [huntsvillemusic.com](http://huntsvillemusic.com) to see more about All Things Huntsville Music.

Mayor Battle stated the National Cyber Summit was coming up, and he noted they had been doing this for 14 years, having started off with just a Huntsville Cyber Summit, which had grown to having national and international crowds. He asked Bill Steiner, the head of the City's IT Department, to come forward, as well as representatives of the Cyber Summit.

Mr. Steiner asked Mr. Stephen Pratt to come forward, noting that he was a cyber security expert with Sentar, and this year he was the director of the National Cyber Summit, and he also introduced Ms. Judy Darwin, a former director, and an assistant at this time.

Mr. Steiner stated this summit had been going on for about 14 years, and there had been more than 125 vendors to participate previously, and he believed this year there would be 140 or so, with many people attending, from all over the world.

Mr. Steiner stated this would be going on the following week, and in recognition of it, the Mayor had declared that the following week would be Cyber Week.

Mayor Battle stated this was Constitution Week, and he asked representatives of the various DAR chapters in the city to come forward. He stated there were five such chapters in Huntsville, and the representative of these chapters came forward.

Mayor Battle stated they wanted to put some emphasis on the Constitution, what the Constitution did for every person.

Mayor Battle asked one of the representatives to comment on this.

The representative stated Mayor Battle had been awesome, that every year

they asked that he proclaim September 17-23 as Constitution Week, noting that ever since President Eisenhower had been President, there was actually a federal law that they were supposed to do that. She stated Mayor Battle had been wonderful about this, and in the past, they had gone to his office to get their proclamation, but this year, they had asked if they could come to the Council meeting, in order to raise awareness. She stated that on July 4th, they shot fireworks and had parties, et cetera, to celebrate the signing of the Declaration of Independence, but with the Constitution, which was the foundational document of the government, they just kind of swept it under the rug, that it was not celebrated the way it should be celebrated. She stated that 236 years ago, on September 17th, those gentlemen had met in Philadelphia and signed the document that established how the government was going to work.

The representative stated that all the elected officials on the dais had taken an oath to preserve and protect the U.S. Constitution. She continued that it was a part of everyone's life, and this group of representatives wanted to raise awareness, and she stated that on Sunday, September 17th, they would be holding an event at Faith Presbyterian Church, in Huntsville, at 2 p.m., where they would do what they called "Bells Across America," ringing bells just as they had done at 4 p.m. Eastern Time, in Philadelphia, when that first Constitution was signed, and she asked people to join them for this event.

Mayor Battle presented a proclamation to each of the representatives.

The representatives presented Constitutions to the Council members.

Mayor Battle stated this month was also OBGYN Cancer Awareness Month, and he asked representatives of this group to come forward

A representative stated she was the director of the Laura Crandall Brown Foundation, and that September was Gynecologic Cancer Awareness Month. She

stated the women on the stage with her were members of the medical staff with one of the clinics they worked with throughout the state. She stated that 33,000 women were going to die from gynecologic cancer in the current year, that the state of Alabama ranked No. 1 in cervical cancer, and they ranked No. 6 in ovarian cancer deaths, and that, obviously, these were not statistics they should be proud of, and they were working very hard to correct them. She stated that the Laura Crandall Brown Foundation raised money to fund research for early-detection tests, and they provided emotional support for women, through their support groups and mentoring programs, and also assisted women who were going through treatment. She stated that the prior year, they had helped more than 2,000 people, with over \$118,000 in financial assistance.

Mayor Battle presented the proclamation, and he thanked the group for bringing this awareness to the city of Huntsville.

Mayor Battle asked John Hamilton, City Administrator, to come forward, and he presented him with his 10-year pin, recognizing his 10 years of service to the City, and expressing appreciation for his outstanding service.

President Meredith stated the next item on the agenda was Council: Special Recognitions and Resolutions.

President Meredith stated there would be a presentation honoring Mr. Frank Ogle for his significant contributions to the city of Huntsville.

Councilmember Kling stated that since the last Council meeting, they had lost one of their great citizens, in both West Huntsville and the City of Huntsville. He stated that Frank Ogle was a 30-year-plus City employee in the Fire Department, that he was a Renaissance man, that he was interested in everything from computers to roosters, to day lilies, to dog breeds, and he was a person it had been his privilege to know for many years. He stated Mr. Ogle had been born and raised in Huntsville, and

he and his wife had lived in Holiday Homes for numerous years. He stated he was going to be greatly missed, that he was a person he could always go and talk to when there was a City issue he felt needed a good citizen, outside perspective.

Councilmember Kling presented a certificate in honor of Mr. Ogle to his wife and daughter.

President Meredith read and introduced a resolution honoring Eagle Scouts from Troop 7156, as follows:

(RESOLUTION NO. 23-697)

President Meredith moved for approval of the foregoing resolution, which motion was seconded by Councilmember Keith and was unanimously adopted.

President Meredith asked the Eagle Scouts from Troop 7156 to come forward.

President Meredith presented copies of the resolution to them, congratulating them for earning the rank of Eagle Scout.

President Meredith stated the next item on the agenda was a presentation on proposed service changes of the Parking and Public Transit Department by Ms. Quisha Bryant, Director of Parking and Public Transit.

Ms. Bryant appeared before the Council, and she stated that Mr. John Autry, Manager of Public Transit, would be assisting her in this presentation.

Ms. Bryant stated Public Transit was proposing changes to three of their routes, that these were the first round of service changes, and they were in accordance with their most recent Transit Improvement Plan Study, and they were recommended to increase on-time performance, to simplify their routes, and to also reduce rider times. She continued that they also took usage into consideration.

Ms. Bryant stated they would hold a public hearing on Wednesday, September 20, 2023, at 500 Church Street, on their transfer platform, where they would present the changes and receive feedback before they would begin

implementation of this. She stated notice of this hearing had already been published in Speakin' Out News, and it was also on the City's website. She continued that if anyone was unable to attend the hearing, Public Transit could receive feedback on their webpage, that there was a comment form that could be filled out, and the changes were there as well.

Ms. Bryant stated that Mr. Autry would show them the illustrations they had for the three routes that would experience changes.

(Mr. Autry made a PowerPoint presentation.)

Mr. Autry displayed a slide, and he stated this slide showed Orbit Route 1, and he stated this route served downtown, four senior apartment towers, the Senior Center, Parkway Place Mall, and L&N Walmart. He stated they were proposing to eliminate two stops on the downtown Square and replace it with bidirectional service one block over, on Clinton Avenue, as well as to discontinue driving under the awning at the Senior Center, that these stops were proposed to be moved out to Ivy Street. He continued that the L&N Walmart stop was also proposed to be moved to the south end of the property, at the edge of the parking lot, on L&N Drive. He stated that stops at the Russel Erskine Apartments, Todd Towers, and The Summit would not be affected by these changes.

Mr. Autry displayed another slide, and he stated it showed an example of traffic on the downtown Square, which was their main reason for wanting to reroute buses away from the Square, one block over.

Mr. Autry displayed another slide, and he stated this showed Route 2, and he stated there were two areas of change proposed, for safety and timing reasons, that the outbound deviation through the Valley Garden Apartments on 12th Street was proposed to be eliminated, and a new sidewalk ADA-accessible bus pad, solar-lighted shelter, had been installed on Bob Wallace, still within the apartment property, near



Fairacres Road. He stated the only other proposed change on Route 2 was the removal of the stop on the northeast corner of Centaur Boulevard SW and Baldwin Drive SW. He stated residents in this neighborhood would still have access to two other stops on Centaur Boulevard and Telstar Circle, within two blocks.

Mr. Autry stated the displayed slide showed changes on Orbit Route 4, where stops on Explorer Boulevard, Bradford, and the Bridge Street Center were proposed to be eliminated. He continued that changes also included relocating the Walmart stop to the perimeter road, Wayne Circle, and adding stops on Rime Village Drive and Moore Farm Lane, providing better access to apartments and nearby retail stores between University and McMurtrie. He stated transit riders would still have access to Bridge Street Center on Orbit Route 3.

Mr. Autry stated the photo displayed showed regular traffic in and around the University Walmart, which was their reason for moving the bus stop out to the perimeter road, Wayne Circle.

Mr. Autry stated that for more details, people could go to the Public Transit page of the City of Huntsville website, under Transit Improvement Plan.

Mr. Autry stated he and Ms. Bryant would be happy to answer any questions.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he had received input concerning this matter, and he believed some people were coming to his town meeting on the following Monday to discuss this. He stated there had been questions about the impact to Valley Garden Apartments. He stated that, as they were aware, there was federal funding involved in that complex, that there was a large senior population. He stated he was sure people would be contacting Public Transit, but he just wanted to let them know he had been hearing about this also. He stated there might also be some things coming up concerning Centaur Boulevard and the other route.

Ms. Bryant stated they would certainly take that feedback, and they would take everything into consideration before they moved to implementation.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated it had been mentioned that one of the stops was solar powered, and he continued that there was a Facebook page that had gone viral, about people sitting on the ground on University. He stated he was aware they had removed the awning from two stops, and one just had a blue bench. He asked if there was a perspective as to which ones they were going to commit to keeping the canopies on, and the others that would just have the outdoor bench seating.

Ms. Bryant stated that part of their Transit Improvement Plan had also recommended some changes to their stops, their bus shelters, and that sort of thing, and they had that, and they could email it to Councilmember Keith.

Councilmember Keith stated he was particularly concerned about the stop off of University, near the corner of Jordan.

President Meredith thanked Ms. Bryant and Mr. Autry for the presentation.

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

President Meredith stated it was the time and place in the meeting for a public hearing on an ordinance regarding a Private Subdivision, The Enclave at Trailhead, for approval by the City Council, pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance.

President Meredith recognized Mr. Shane Davis, Director of Urban and Economic Development.

(Mr. Davis made a PowerPoint presentation.)

Mr. Davis stated this was a request by the Trailhead development to bring a private development, called "The Enclave," on Highway 72 East. He stated this had a

mini phase, that it was a master-planned community. He indicated the Food City location on the display, and he stated that this development wanted to bring in a new subdivision that would be private. He stated this was before the Council for a vote on approving this private subdivision. He stated this meant the City would still do trash pickup, that the sewer would remain private, and all other common areas, sidewalks, roads, would be the responsibility of the private subdivision to maintain. He stated they just had to have this on record so later on, down the road, they would be maintaining that infrastructure.

President Meredith stated the public hearing was open, and he asked if there was anyone from the public who would like to address the Council on this particular matter.

President Meredith stated that seeing none, the public hearing was closed.

Councilmember Robinson read and introduced an ordinance regarding a private subdivision, The Enclave at Trailhead, for approval by the City Council, pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance, as follows:

(ORDINANCE NO. 23-698)

Councilmember Robinson moved for approval of the foregoing ordinance, which motion was seconded by Councilmember Kling and was unanimously adopted.

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

Councilmember Robinson read and introduced a resolution to set a public hearing on the zoning of 1.01 acres of land lying on the west side of Old Big Cove Road and north of Byrd Drive to Residence 1-B District, at the October 26, 2023, Regular Council Meeting, as follows:

(RESOLUTION NO. 23-699)

Councilmember Robinson moved for approval of the foregoing resolution,

which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson read and introduced Ordinance No. 23-700, zoning 1.01 acres of land lying on the west side of Old Big Cove Road and north of Byrd Drive to Residence 1-B District.

Councilmember Robinson read and introduced a resolution to set a public hearing on the zoning of 1.18 acres of land lying on the north side of Huntsville Brownsferry Road and west of Gray Road to Highway Business C-4 District, at the October 26, 2023, Regular Council Meeting, as follows:

(RESOLUTION NO. 23-701)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson read and introduced Ordinance No. 23-702, zoning 1.18 acres of land lying on the north side of Huntsville Brownsferry Road and west of Gray Road to Highway Business C-4 District.

Councilmember Robinson read and introduced a resolution to set a public hearing on the rezoning of 314.89 acres of land lying north of Swancott Road and west of Bilow Road from Residence 1 District to Residence 1-A, Residence 1-B, Residence 2, and Residence 2-A districts, at the October 26, 2023, Regular Council Meeting, as follows:

(RESOLUTION NO. 23-703)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by Councilmember Kling and was unanimously adopted.

Councilmember Robinson read and introduced Ordinance No. 23-704, rezoning 314.89 acres of land lying north of Swancott Road and west of Bilow Road from Residence 1 District to Residence 1-A, Residence 1-B, Residence 2, and Residence 2-A districts.

Councilmember Robinson read and introduced a resolution to set a public hearing on the rezoning of 137.34 acres of land lying on the east and west of North Memorial Parkway and south of Bob Wade Lane and Countess Road from Light Industry District and Residence 2-B District to Highway Business C-4 District, at the October 26, 2023, Regular Council Meeting, as follows:

(RESOLUTION NO. 23-705)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson read and introduced Ordinance No. 23-706, rezoning 137.34 acres of land lying on the east and west of North Memorial Parkway and south of Bob Wade Lane and Countess Road from Light Industry District and Residence 2-B District to Highway Business C-4 District.

Councilmember Robinson read and introduced a resolution to set a public hearing on the rezoning of 3.84 acres of land lying north of Research Drive and east of Amphitheater Drive from Research Park District to Highway Business C-4 District, at the October 26, 2023, Regular Council Meeting, as follows:

(RESOLUTION NO. 23-707)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson read and introduced Ordinance No. 23-708, rezoning 3.84 acres of land lying north of Research Drive and east of Amphitheater Drive from Research Park District to Highway Business C-4 District.

President Meredith stated it was the time and place in the meeting for Agenda Related Public Comments.

President Meredith stated this portion of the meeting was reserved for persons wishing to address the Council on matters relating to the specific content of items on

the meeting agenda. He stated persons could sign up to speak on the Public Comments Roster prior to the meeting, and when called, they should approach a microphone and state their name, home address, and city of residence. He stated each speaker could address the Council for three minutes, and that speakers shall refrain from entering into a dialogue with Council members or City staff and from making any comments regarding the good name and character of any individual.

Dr. Angela Sommerset, 9 Chalkstone Street, NW, Huntsville, addressed the Council, having signed up to speak concerning "Huntsville Utilities 17.a 2023-53."

President Meredith stated to the speaker that the comment about Mr. Kelley being dishonest was disparaging, and that in the future, he would ask her not to use that kind of language.

Ms. Lakeisha Bogan, 110 Santa Maria Drive, Northeast, Huntsville, addressed the Council, having signed up to speak concerning "Skating Rink, 20.Para. q."

Ms. Ginger Lowe, 4515 Bonnell Dr., NW, Huntsville, addressed the Council, having signed up to speak concerning "Reclassification/COLA Sec. 21 b&c."

President Meredith stated the next item on the agenda was Mayor Comments, and he recognized Mayor Battle.

Mayor Battle made the following appointment:

Mr. Byron Thomas to the Huntsville Emergency Medical Services, Inc., Board (HEMSI), effective immediately, for a term to expire August 22, 2028.

Mayor Battle stated that Mr. Thomas was replacing former Public Transit Director Tommy Brown, who served on the HEMSI Board for close to 40 years and had been a great asset for the City. He stated Mr. Thomas would take Mr. Brown's place as they moved forward with HEMSI.

Mayor Battle stated that during the week, they had held the 9/11 ceremony at Fire Station No. 1, and it was a somber event. He stated that on special days such as

this, they needed to commemorate, and they also needed to remind the youth of the history, and what that history means, and what it meant on that day.

Mayor Battle stated they had opened Kids Space, and they also opened the Skateboarding Park, which was supposed to be one of the best skateboarding parks in the nation.

Mayor Battle stated that Music Month would go on through the weekend, that there would be music at Lowe Mill on the following day, on Friday, featuring the Unorthodocs. He stated there would also be the Art Stroll and food trucks on Friday evening, and the Monte Sano Arts Festival during the weekend, along with another great Sunday evening of Jazz in the Park.

Mayor Battle stated that how people were paid was always one of the hardest things they ever did, that every year when they came into a budget year, there was always "this much want," and "this much" capacity to do things. He stated as to what people made, that nobody ever made enough. He stated that the prior year, they had their top six positions that they moved up, and he stated he would say they were no better than their management, that if they did not have good management, they would not be a good City, and they would not be able to run good departments. He stated they were very fortunate with the management they had, and that was why they had moved them up one step, and that was why they had moved them as they were doing in the budget. He stated this would be the Council's choice in two weeks, but they were asking Council to look at that, to look at the overall picture, which was that the prior year, they had given a significant COLA, and this year, they were giving about half of that amount, but, also, this was tied in with the merit raises. He continued that some people did not think they should tie this in with the merit raises, but employees would be getting between 1.5 percent and 3 percent merit raises, and when they put the 2.5 percent with it, it would come out 5 percent, 6 percent, or

7 percent increases in payroll.

Mayor Battle stated they had studied this very hard, that they had looked at it hard, and they thought this was a wise place to be.

President Meredith stated the next item on the agenda was Councilmember Comments.

Councilmember Keith stated, for the benefit of persons who were texting him, that there would be no vote on this matter at this meeting, that there was time for consideration of this budget, including other things outside of the COLA. He stated there would just be the introduction of it at this meeting.

Councilmember Keith stated he was aware people were hearing about a skate park opening up in John Hunt Park, and he stated that was not the skate park they had discussed about a year and a half prior. He stated there would be a nice skate park in North Huntsville, but people could skate at both parks. He thanked everyone who had contacted him about the park, and for holding on and staying strong in the skate world. He stated people would have the opportunity to be involved and give input to this, as they had previously, and he would promise them it would be something they would be proud of.

President Meredith recognized Councilmember Little.

Councilmember Little stated that recently, he and Joe Gehrdes with Huntsville Utilities had the opportunity to visit with the Monte Sano Civic Association, and they were well-received and appreciated.

Councilmember Little recognized various departments that had assisted him with citizens' concerns recently, stating he certainly appreciated them.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated there had been a very successful trash pickup day in the Merrimack neighborhood, that it had made a great impact, with numerous



volunteers and organizations that had come out to participate in this, and he thanked the Green Team for their assistance.

Councilmember Kling stated he would be having his town meeting on the following Monday evening, and he would have a copy of the draft budget for discussion. He stated there would be a Council Work Session on the budget on the following Thursday evening, and he thought that would be good for the public to see. He continued that they would be working to be able to vote on the budget at the following regular meeting of the Council on September 28, 2023.

Councilmember Kling stated he had attended the Fraternal Order of Eagles picnic, and it was a great cookout, with outstanding food.

Councilmember Kling stated there had been some discussion concerning the condition of the Twickenham monument that had been put up near Council Park, and the wear and tear it had taken. He stated he had some contact with some of the department heads, to determine what the City's responsibility was concerning this monument, and he thought there were some things they were trying to get worked out. He stated they had some good departments, in both Community Development and Inspection, which could certainly look into this and make sure any development was up to speed as to what they were supposed to do, as far as maintenance.

Councilmember Kling stated they were aware that this monument was in disrepair, and they were aware that the City had participated with the developer by putting in an \$8 million parking garage that was certainly a big plus for the development, so he thought the City would have leverage.

Councilmember Kling stated what he would ask was who would have the legal responsibility for this, noting that in two weeks, he hoped they could have an answer on this, and if it was the City's responsibility, then the City could contract with the artist to make the needed repairs, and if the responsibility was with the new owner of

the Twickenham Square development, then they would hold their feet to the fire. He stated he was aware that the Housing Authority had also been involved in this.

Councilmember Kling stated he thought everybody who saw this monument could see that it was definitely in disrepair, and they needed to find out who was responsible legally, and then make sure the repairs were made, and then perhaps there was some clear sealant or something that could be applied to help keep the repairs in place. He stated they certainly wanted to make sure maintenance and repairs were carried out because they appreciated the history involved.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated that normally at Council meetings, they did not permit the good name and character of any individual to be questioned, and she was sorry it had happened earlier in the meeting. She stated that the Council appointed the members of the Huntsville Utilities Boards, the Electric Board, the Water Board, and the Gas Board. She continued that they had confidence in those boards, and they had confidence in the CEO, Wes Kelley, who reported to them.

Councilmember Robinson stated she would suggest for future comments that people bring the facts and let those facts speak for themselves, and to please not feel they needed to resort to questioning anyone's character. She stated they had confidence in their Utilities.

Councilmember Robinson stated she would be holding a District 2 drop-in meeting on Monday, September 18, at 6:30 p.m., at the South Huntsville Library, and she would have copies of the budget for discussion. She stated she would look forward to seeing what everyone had on their mind at this meeting.

Councilmember Robinson stated people should take the opportunity to look at the new playground that was going in at the Sandra Moon Complex, right outside the Library, noting that Parks & Recreation had worked with the Library to use their

colors, purple, green, and blue, and they were tying it together very nicely. She stated this playground was not open as of this time, but they were planning on having a grand opening, in coordination with the Library programming staff, sometime in October.

Councilmember Robinson stated she had the opportunity to meet with the Willowbrook Garden Club during the week, and she had shared with them some of the good things that were going on around the city, and also talked about the Sandra Moon Complex, as well as everything that was coming to Hays Farm. She stated citizens were concerned about road infrastructure and if it was keeping up with the growth in the city, if the city was growing too much, and about the number of apartments. She stated they had talked about the plans for growth, that they were staying ahead of their growth, and the very aggressive road program that the Administration had been able to put together, that there was nearly \$1 billion worth of roads that had either been built or planned.

Councilmember Robinson stated the Main Street Alabama conference was held in the city the prior month, and she congratulated Brenda Conville, the Vice President of Freedom Real Estate, who had received the Main Street Hero's Award for her advocacy for South Huntsville businesses and for her investment, through Freedom Real Estate, in South Parkway. She stated that recently Freedom had held a groundbreaking for their office buildings that were going to be located in the Hays Farm Commons. She continued that she had also been very instrumental in bringing Camden Investments to the city, and they would soon be breaking ground on what would be the Entertainment District, the Town Center, as well as a multifamily project.

Councilmember Robinson stated that South Huntsville Main Street was welcoming a new Executive Director, Madison Roberts, noting that she had just

started the prior Monday, and she had come to them from the Homebuilders Association, that she had tremendous experience and would be a great addition to the South Huntsville Main Business Association.

Councilmember Robinson stated she had noticed that one of the public hearings that had been set involved the rezoning of a portion of the North Parkway to C-4 District. She stated they were able to do that through the South Huntsville Main Business Association, rezoning a section there. She continued that they still had work to be done, and she had talked to Mr. Nunez about that, that they had recently had some issues on South Parkway that could have been prevented if it had been zoned C-4, so she hoped they could step up that effort. She stated she was aware it was really challenging because there were so many businesses there that needed to be vetted, and the business association would be a tremendous partner, as they had been in the past. She stated she hoped they would move forward with that process of rezoning South Parkway.

President Meredith echoed Councilmember Kling's concern about the Twickenham monument to Dr. Sonnie Hereford. He stated the timing was perfect, that they had recently celebrated the 60th anniversary of Sonnie Hereford IV's integration of the public school system in Huntsville. He thanked Councilmember Kling for taking the lead in making sure that piece of history was properly preserved.

President Meredith stated that the following week, on Thursday, September 21, at 5.p.m., the Council would hold a Work Session in the Council Chambers, to go over the proposed Fiscal Year 2024 Budget, and the public was invited to attend.

President Meredith stated he had attended the Hispanic/Latino Advisory Council meeting, which was held in the Sandra Moon Library. He continued that it

was always nice to get out to that library, and he just hoped that someday, they would be able to hold such meetings at a library in West Huntsville. He stated that at this meeting, they had very positive things to say about the city of Huntsville, and they had discussed some of the programming they had. He stated there was apparently room for improvement on the part of the City of Huntsville, particularly as to translation services and the ability to communicate with folks within City government who were bilingual.

President Meredith stated he had attended the Beautification Board awards at the Oakwood campus, and it was a pleasure to once again present the Oakwood family with a winning award, and he stated all five districts had winners, and the Mayor had presented his award as well. He stated it was a wonderful event, and the attendance was up from the prior year, which was always a good thing. He stated the Beautification Board was a working board, that they did a lot, and they were out constantly in the community, to make sure the city was beautiful.

President Meredith stated he would like to acknowledge that since the prior meeting of the Council, they had laid to rest one of the civic greats in the city of Huntsville, Mr. Thornton Stanley, formerly with Stanley Construction, and it was a very touching service.

President Meredith stated that at the prior Council President's Forum, his guest was the Huntsville City Schools Superintendent, Dr. Sutton, and he had brought his leadership team, and a quorum of the Board of Education was present. He stated it was a very broad meeting, that they had touched on a lot of different issues, and if persons had been unable to attend this meeting, they could go to Huntsville TV and watch it on demand. He stated if persons had the desire to serve, there were plenty of volunteer opportunities to support the school system.

President Meredith stated he would be having another monthly town hall on

the following Tuesday, at 6 p.m., at The Reserve Clubhouse, located at 119 Natures Way, and it would be not only for The Reserve community but for persons close by as well.

President Meredith stated the next item on the agenda was Finance Committee Report.

Councilmember Robinson read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 23-709)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson stated the budget ordinance would be introduced at this meeting, and the Council would be holding a Work Session the following week, and then final approval of the budget would be at the September 28 Regular Council Meeting.

Councilmember Robinson stated that under item 20, New Business Items for Consideration, item d was a resolution regarding Council Improvement Fund guidelines. She stated the Finance Committee, after several discussions, had identified some administrative challenges the current process posed because there were really no guidelines, and there were also some legal issues that needed to be worked through. She stated this resolution was coming from the Finance Committee, in an effort to resolve some of these challenges.

President Meredith asked if the Finance Department would give a presentation on the budget at the Work Session or if this would be at the next Regular Meeting of the Council.

Councilmember Robinson stated the budget would be introduced at this meeting, and then at the Work Session, there would be the full presentation, and

Ms. Smith and her staff, and the Administration, would answer any questions, and then at the September 28 Regular Council Meeting would be the actual vote on the budget.

Councilmember Keith asked if the upcoming Work Session would be a public session, for public input, noting that there would probably be a number of people who would want to give input.

President Meredith stated that if they entertained that, he thought they would definitely want to keep the 3-minute comment time. He stated he would also ask those who were perhaps down the list that if some other speaker had covered what they wanted to talk about, that they acquiesce and let that person's comments stand for similar comments.

Councilmember Keith stated that either they would allow public comment at the Work Session or they would be flooded at the next Regular Meeting of the Council when this matter would be considered. He stated that before the Work Session, he just thought persons should be aware if they would be able to speak at that time.

President Meredith stated if there was no objection to allowing public comment during the upcoming Work Session, he thought they should go ahead and do that.

Councilmember Robinson stated she would suggest that a work session was exactly what it said, that it was a work session for the Council. She stated the Council members would get plenty of input from the public concerning this matter, and in their discussion at the Work Session, they could bring those comments to the floor, and that could be part of the discussion. She stated the Council had their input on the budget back in July, so at this late date, asking for the public to have input, she thought that would be very difficult to incorporate into the budget and would just unnecessarily complicate things.

President Meredith stated he did not see inviting the public to comment to their government about how their tax dollars would be spent to be classified that way, but he understood what Councilmember Robinson was saying, and she was correct that normally they did not allow that at work sessions. He stated he was just trying to be as transparent as possible.

Councilmember Robinson stated she was not suggesting that they not permit input, that the input would simply come through Council members who represented those individuals, that they could receive that input, and they could convey that input, and it could be part of the discussion.

Councilmember Keith stated he would just say, for individuals who were present and who were unaware of how to sign up to speak, who worked for the City, that he thought there were two things to be understood: That these individuals had just found out about things that would affect their pay, so this was not as late in the game for them as it was for the Council members, because this was their first time of getting an understanding of it. He stated his suggestion would be that they would either put a limit of the number of people who could speak at the Work Session or a limit on the time that would not correlate to three minutes. He stated he would expect that at the next Council meeting, there would be input from all the Council members, and the Mayor would deserve some time, and the Mayor might also bring up different department heads. He continued that in fairness to those individuals who were in attendance at this meeting but did not have the opportunity to speak, they should be given an opportunity to speak.

Councilmember Kling asked if the Work Session could be broadcast so members of the public could view it.

President Meredith stated these sessions were always broadcast.

Councilmember Kling stated he thought they could be pretty sure that, in



whatever shape or form, the proposed budget would be close to what the final document would be, that there would be some amendments. He asked if that document could be posted on the City's website so that members of the public could see it, with the notation that it was a draft budget to the Council.

Mr. Hamilton stated the budget that would be introduced was linked to the agenda on the previous Tuesday, that the public had had access to it since that time and would continue to have access to it all the way through until the vote on it.

President Meredith stated he believed what Councilmember Kling was referring to was something where individuals would not have to hunt for the agenda and hunt for the actual agenda item, but something more like on the landing page, to click for the budget.

Mr. Hamilton stated they could do that as well.

Ms. Kelly Schrimsher, Director of Communication, stated they typically did a news post, that they posted it to their social media channels, and she stated they would also include the budget information, the proposed budget, on the City's Finance page, that they put it in multiple places in order to hopefully make it more accessible to the public.

Councilmember Little asked if it was standard to have public input at a Work Session, and he asked what was different about this year from last year, or any other year, and if they had public input, if it would be during the meeting, at the end of the meeting, or when.

President Meredith stated it was not a usual undertaking to have public comment in a work session.

Councilmember Keith stated that, however, they had done it previously.

President Meredith stated there was obviously some resistance to allowing public comment at the upcoming Work Session, and he believed if they were going to

allow it, it should be a unanimous decision of the Council. He continued that he was getting the sense of the Council that they did not want to allow this public comment.

Councilmember Keith stated he wanted to be very clear that he had brought this up because people were contacting him who had not been able to speak, and he believed any employee or any citizen should have the opportunity to speak. He stated that a reason why individuals wanted to speak at this meeting was because they had just found out about the COLA, that this was the first opportunity they had to speak, and at this time the Council was saying they would not have another public opportunity until the next regular Council meeting.

Councilmember Keith stated this was within President Meredith's power, as President of the Council, and if he changed it, to allow public input at the upcoming Work Session, he was suggesting that this be limited, because the most important part of the Work Session would be to understand the reasoning behind the Mayor's proposal. He stated it was President Meredith's decision, that he was the President of the Council, noting that he said to other Council members frequently that this was a body of compromise, and he thought people had voiced their concern about not being able to speak at the podium at this meeting because they did not know the protocol. He stated he did not want it to be stated that he did not want these people to speak at the Work Session, that he was just saying the next time they would get to speak publicly, and not to just the Council members, would be at a City Council meeting when the Council would actually be voting on this matter. He continued that if this were changed, he would suggest it be changed so that it would not overtake the Work Session.

Councilmember Kling stated he believed that all Council members got out in the public, and he stated they had held a special work session on the budget, where the Council members had given their input, and he believed that around that time, at

his town meeting, he had told the citizens present what would be coming up, and he had asked what their thoughts were on it, and he continued that he also walked neighborhoods and talked to people. He stated that other Council members also had town meetings and went out and had discussions in their district, and he liked to think this was an ongoing process and people did not feel like their Council member had just come out of the blue, and it must be election time.

Councilmember Kling stated he believed Councilmember Robinson's input on this matter was similar to the input he had received, with ditches being high on the list, and road resurfacing, drainage, et cetera. He stated they had a good ongoing process, but it could always be better, and if there would be a way to take public comment, that would be good, that people would get the opportunity to see the budget, with what they had done to this time. He stated the Work Session would be broadcast, and that was a good thing. He stated there were a lot of good steps, and it could be made better, but they were not trying to hide anything from the public.

Councilmember Robinson stated she agreed with Councilmember Kling, that they had received input, and that input was reflected in the Council members' input into the budget. She stated she was concerned about opening it up for public comment at the Work Session when the Council had not even received the presentation. She stated they would be asking people to comment on something they would not have had presented. She stated that the following Regular Council Meeting would be the appropriate time for the public to make their comments. She stated work sessions were about the Council doing the work, getting the presentation, hearing from the Administration, and asking their questions, and then the public would have the opportunity to comment at the next Regular Council Meeting.

President Meredith stated they had a Work Session on this earlier, where members of the Council shared with the Administration what they would like to see in

the budget, and he thought the Administration had gone above and beyond in accommodating those requests, but as Councilmember Keith had mentioned, the general public was not a part of that, that they had not had the opportunity to bring up the COLA, that they did not have the opportunity to bring up anything that was currently in the proposed budget. He stated that, for the record, he did not see any problem with allowing the public to speak at the Work Session, but with that said, this was not his sole kingdom, and he was going to respect the members of the Council and ask all of them to do their due diligence in soliciting comments from their constituents that they would then bring to the Work Session, voicing those comments.

President Meredith stated he thought that was the best way to go, and he really appreciated the discussion concerning the matter.

Councilmember Kling read and introduced a resolution authorizing travel for Councilmember John Meredith to Austin, Texas, September 29-October 4, 2023, for the 2023 ICMA Annual Conference, as follows:

(RESOLUTION NO. 23-710)

Councilmember Kling moved for approval of the foregoing resolution, which motion was seconded by Councilmember Robinson.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated she had a question, simply for the public record. She stated it appeared from the documents that were presented with this resolution that President Meredith had exceeded the travel budget with this budget request. She continued that she knew there was a good reason for this, and she asked if President Meredith could explain it.

President Meredith stated these dates split the fiscal year, and some of the amount included in the total for this was going to be paid in FY 2023, and the

remainder would be paid when it was incurred, in FY 2024, so he would not have exceeded his 2023 allocation with what he had been able to prepay, so he would not go over his budget in either fiscal year.

Councilmember Robinson stated that since they had started tracking that very closely, she appreciated the explanation. She stated she believed they were increasing the travel budget for FY 2024.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he believed he had surplus in his Travel Account, and with what President Meredith and Councilmember Little would be doing being in the line of duty, his surplus could be passed over, especially with Councilmember Little being the new guy on the block, that he would have the opportunity to try as many different things as possible. He stated this was public money, that it was not his money.

Councilmember Robinson stated that in fairness to Councilmember Keith, she believed they needed to make sure Council members were staying within their budgets.

Councilmember Keith stated that was not necessary, that there was a comparative moment that had happened to him, and as Councilmember Kling had stated, these were public dollars, and if he had extra, others could get it as well.

President Meredith called for the vote on Resolution No. 23-710, and it was unanimously adopted.

Councilmember Kling read and introduced a resolution authorizing travel for Councilmember David Little to Montgomery, AL, November 8-10, 2023, for the Alabama League of Municipalities 2023 Leadership Conference, as follows:

(RESOLUTION NO. 23-711)

Councilmember Kling moved for approval of the foregoing resolution, which

motion was seconded by Councilmember Robinson.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson asked if this was the same situation as with President Meredith, that these funds would be covered across two budget years, noting that it appeared they were out of budget.

President Meredith stated that was correct, noting that most of this would come out of FY 2024 since it was a November conference.

Councilmember Robinson stated this was just for public transparency and accountability.

President Meredith called for the vote on Resolution No. 23-711, and it was unanimously adopted.

President Meredith stated the next item was Board Appointments To Be Voted On.

Councilmember Robinson read and introduced a resolution appointing Heather Bender to the Animal Services Advisory Committee, Place 2 (her current seat), for a three (3) year term to expire September 8, 2026, as follows:

(RESOLUTION NO. 23-712)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by Councilmember Kling and was unanimously adopted.

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

Nomination to reappoint Geraldine Tibbs to the Beautification Board, Place 13 (her current seat), for a three (3) year term to expire September 30, 2026. (Keith)

Nomination to reappoint Jane Tippet to the Beautification Board, Place 14 (her current seat), for a three (3) year term to expire September 30, 2026. (Kling)

Nomination to reappoint Celia Wettstein to the Beautification Board,

Place 15 (her current seat), for a three (3) year term to expire September 30, 2026.  
(Kling)

Nomination to appoint Clayton Buff to the Beautification Board, Place 16, to the seat previously held by Ron Akridge, for a three (3) year term to expire September 30, 2026. (Meredith)

Nomination to appoint Loretta L. Weninegar to the Beautification Board, Place 18, to the seat previously held by Russell Houser, for a three (3) year term to expire September 30, 2026. (Little)

Nomination to appoint Scott Maddox to the Board of Equalization of Madison County, to the seat previously held by Laura Leigh Stephens, for a four (4) year term to expire September 30, 2027. (Robinson)

Nomination to reappoint Dennis Dean to the Board of Examinations and Appeals for Construction Industries, Place 2 (his current seat), for a three (3) year term to expire September 21, 2026. (Robinson)

Nomination to reappoint Russ Grimes to the Board of Examinations and Appeals for Construction Industries, Place 7 (his current seat), for a three (3) year term to expire September 21, 2026. (Kling)

Nomination to reappoint Thornton Stanley Jr. to the Board of Examinations and Appeals for Construction Industries, Place 8 (his current seat), for a three (3) year term to expire September 21, 2026. (Kling)

Nomination to appoint Sara K. Smith to the Burritt Memorial Committee, Place 1, to the seat previously held by Richard Hempstead, for a three (3) year term to expire October 1, 2026. (Little)

Nomination to appoint Theresa Durboraw to the Burritt Memorial Committee, Place 4, to the seat previously held by Nicole Schroer, for, a three (3) year term to expire October 1, 2026. (Little)

Nomination to appoint Brian Daniels to the Burritt Memorial Committee, Place 7, to the seat previously held by Jason Thomas, for a three (3) year term to expire October 1, 2026. (Little)

Nomination to reappoint Dawn Pumpelly to the Burritt Memorial Committee, Place 11 (her current seat), for a three (3) year term to expire October 1, 2026. (Little)

Nomination to reappoint Troy Bowman to the City Tree Commission (his current seat), for a two (2) year term to expire October 8, 2025. (Meredith)

Nomination to reappoint William McBride to the City Tree Commission (his current seat), for a two (2) year term to expire October 8, 2025. (Meredith)

Nomination to reappoint James Peters to the City Tree Commission (his current seat), for a two (2) year term to expire October 8, 2025. (Kling)

Nomination to reappoint Phillip Bentley III to the Huntsville-Madison County Airport Authority, City Place 4 (his current seat), for a six (6) year term to expire October 23, 2029. (Kling)

President Meredith asked if there were any nominations from the floor.

There was no response.

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

President Meredith stated the first item, Ordinance No. 23-628, amending Sec. 26-631 of the Code of Ordinances, by increasing water fee schedule, had been postponed at the August 24, 2023, Regular Council Meeting until this meeting, and it was on the floor for consideration at this time, as follows:

(ORDINANCE NO. 23-628)

President Meredith moved to amend Ordinance No. 23-628, in summary, as follows: (1), To change the highest tiers of residential usage to "Next 6,000 gallons" and "Over 12,000 gallons," respectively, from the "Next 9,000 gallons" and "Over



15,000 gallons;" and (2), to change the residential usage tier rates from \$1.80 to \$1.70; and in the next category, from \$2.31 to \$3.21; and in the next category, from \$2.58 to \$3.48; and in the next category, from \$4.06 to \$4.96, with all rates being per 1,000 gallons, respectively; and (3), to change the residential sprinkler rate from \$4.06 to \$4.96, as the per gallon rate; and (4), to create a new availability charge for 5/8" meters, which were currently included with 1" meters, and set the rate at \$14; and, finally, to change the common master meter availability charge for apartments from \$16.67 to \$14.00.

President Meredith stated that in an effort to avoid confusion with this amendment and to clearly illustrate the changes made, a redline of all the changes, which included all the strike and replace substitutions, had been provided to each Council member, and he requested that a copy of the redline be placed in the minutes of the Council meeting as well. He stated the Clerk's office had received the redline, and, furthermore, he was providing a clean copy of Ordinance No. 23-628, labeled "Substitute A" for identification purposes, to insert in place of the current version of Ordinance No. 23-628, in the event the Council would approve this motion to amend, with Substitute A incorporating the changes requested in this motion to amend and reflected in the aforementioned redline.

Said motion was seconded by Councilmember Keith.

Councilmember Kling moved to amend the above amendment by changing the monthly availability fee for both 5/8" meters and 1" meters to remain at \$12.34 per month.

Said motion died for lack of a second.

Councilmember Keith asked Mr. Kelly if in his presentation he could speak just to the amendment that was on the floor, and not a comparative, if possible. He asked if Mr. Kelley could tell them the effects of this amendment, if approved by the

Council, what the projections were and what the impact to customers would be.

Mr. Kelley stated he could certainly do that.

Mr. Wes Kelley, President and CEO of Huntsville Utilities, expressed appreciation for this opportunity to address the Council.

(Mr. Kelley made a PowerPoint presentation.)

Mr. Kelley stated that just for a little level setting on the water system: 1450 miles of distribution pipe, three surface water treatment plants, and one groundwater plant. He stated that was a lot of infrastructure, and the Huntsville Utilities team did a good job keeping up with that.

Mr. Kelley displayed a slide, and he stated one of the questions that had been raised at the previous meeting was about cost efficiency and their ability to manage their resources appropriately. He stated that was a very appropriate question, and he had thought through a good, objective way to answer it. He stated it would be one thing for him to say they were cost effective, but that would not mean anything, that he thought a benchmark would be better.

Mr. Kelley stated the American Waterworks Association conducted an annual survey of its members on various performance benchmarks. He stated the slide that was displayed was looking at the costs divided out in three different ways, for operating and maintenance expenses, how much it cost to operate and maintain the water system. He stated this was one of those charts where being at the low end was the better end, and he stated that when one looked at their Total Operating and Maintenance Costs, to operate and maintain the water system, divided by the number of customers, or accounts, that were served, the median average among the 40-some-odd Utilities in their peer group nationwide was \$500 per year, per customer, and that Huntsville Utilities did that for \$250. He continued that looking at this a different way, with the total O&M cost of water service being divided by the

millions of gallons produced by the water system, the median average was over \$3,000, and Huntsville Utilities' was \$1500 per million gallons served. He stated another way of looking at this was O&M costs divided by the amount of pipe that was in the ground, and the median average was about \$3400, and Huntsville Utilities' was about \$1700.

Mr. Kelley stated a question was asked of him concerning that they compared themselves on rates and if they compared themselves on costs, and he stated he would attempt to answer that question. He displayed another slide, and he stated this looked into the buckets of treatment, how much it cost them to clean the water, to pull the water out of the river and clean it and get it into the distribution system. He stated that came out to \$150 per million gallons sold, and the median average was \$524. He continued that if they looked at the cost of maintaining the distribution system, that 1,450 miles of pipe, the median average was over \$1 million per 100 miles of pipe, and Huntsville Utilities' was \$406,000, less than half the cost, again.

Mr. Kelley stated that, hopefully, that would help shine a light that, according to their national peers, they were operating and maintaining an award-winning water system, at about half the cost of some. He stated that was a national survey, and there were some peers in that group as close as Decatur, and there were some across to the various coasts of the country. He stated he was just trying to provide some data.

Mr. Kelley displayed another slide, and he stated this showed some of the various awards they had received. He stated their water treatment plant employees and their water distribution employees worked very hard to win a clean sweep every year with the Alabama Water Pollution Control Association's annual awards.

Mr. Kelley displayed another slide, stating he would get back to the nitty-gritty of the rates. He stated the slide showed the current rate structure that was in place,

and he displayed another slide, and he stated this indicated where they fell on the competitive scale of peer water systems across the state of Alabama, with Montgomery and Birmingham on the far right and Huntsville and Decatur on the far left. He stated the next chart showed what happened if they did not do anything and kept all their current spending plans in place. He continued that, of course, they would end up in a bad place pretty quickly.

Mr. Kelley displayed another slide, and he stated this showed the proposed rates that were in front of the Council at the prior meeting, and he stated he would not spend a lot of time on that because there was a motion on the floor to amend these rates.

Mr. Kelley displayed another slide, and he stated this showed how that changed the comparative and what it did to Huntsville Utilities' Cash Balances, which, as they could see, provided stability.

Mr. Kelley stated he appreciated having been able to work with Council President Meredith. He stated President Meredith had made it clear he was looking for an opportunity to limit the exposure to the low-usage customers and average customers, what they could do to lower that impact. He stated that President Meredith was not alone on this, that it was something that was important to every member of the Council, but as Council President, he had been instrumental in helping discuss what was practical and how they could meet their operating needs and infrastructure needs and still lower that impact to low-usage and average-usage customers.

Mr. Kelley displayed a slide entitled "Residential Distribution of Monthly Water Usage," and he asked what low-usage and average-usage customers were, and he stated the chart showed, for 12 months of the year, how many customers used how much water. He stated that on the far left was 1 to 1000 gallons, and he stated about

8,000 customers a month used less than 1,000 gallons, and they could see that about 12 to 14 thousand customers a month used between 1 and 2 thousand gallons. He stated that most customers used between 1 to 2 thousand gallons or 2 to 3 thousand gallons or 3 to 4 thousand gallons. He stated he had referred to their average customer using 4400 gallons, and that would be in the middle of the section he was indicating on the display. He stated half the customers were on one side of the bar, and half the customers were on the other side. He stated this would help them get an idea of how many gallons most of their customers used. He stated this chart went all the way out to 20,000 gallons and above, and that was an awful lot for a residential customer. He stated he thought they would like to see how this distribution laid out.

Mr. Kelley displayed another slide, and he stated this showed the amended rate President Meredith had put forward, and he displayed another slide, and he stated it showed where this would fall in the rate competitiveness. He stated they still could not get cheaper than Decatur and Gadsden, although he suspected both of them would be raising their rates, that he believed all water systems were undergoing similar cost competitive pressures.

Mr. Kelley displayed another slide, and he stated this showed the cash balance, and he stated it was still stable, that it was not as high, and there was more revenue at risk in this approach, because they were shifting rates, as they would look at very clearly in the next graph, from sort of base usage to getting more revenue from high usage, and high usage was a bit more weather dependent, and it was also a bit more conservation impacting, that as customers got those bills, they might want to pull back on the usage, which would be fine. He stated he believed this was manageable, and he believed Huntsville Utilities could live within this proposal and still accomplish their goals.

Mr. Kelley displayed another slide, and he stated that this chart laid out the

difference between what was proposed at the last meeting and what it would be with President Meredith's amendment. He stated they could see there that if a customer used 1,000 gallons, the bill was going to go up \$4.80, but with this, it would go up \$2.03, so less than half. He continued that for a low-usage customer, with 2500 gallons, it was going to go up \$5.50, and with this, it would go up \$2.58; and if a customer was in the average of 4400 gallons, rather than \$6.58, it would go up \$4.87. He stated he had labeled the next one as "Moderate," but it was pretty aggressive, that 6,000 gallons was a fair amount of water, and he stated he could flip back to a previous slide to show how few customers fell into that category. He continued that, however, even here, those customers were saving some money, compared to the original proposal.

Mr. Kelley stated this was made up for as they went down the line of the higher tiers of usage. He stated that picking one of those points, at 12,000 gallons, rather than that bill going up \$11.56 per month, it would go up \$16.69 per month. He stated the average sprinkler usage would go up from \$10.10 to \$12.38, if that sprinkler was served off of a 5/8" meter, and if it was served off of a 1" meter, that cost would be up about two additional dollars.

Mr. Kelley displayed another slide, and he stated that to look at this compared to the current rates, they could see that for a minimum usage customer, it would be \$13.67 to \$15.70. He stated this was just looking at the same numbers in a different way. He stated he had wanted them to see it in several different ways, that this was Current to Amended, and the previous one was Proposed to Amended.

Mr. Kelley displayed another slide, and he stated he had shown this chart at the prior Council meeting. He stated this showed Huntsville Utilities' water rates throughout the time period they had been responsible for the City of Huntsville's water system. He stated since 1953, this showed every rate action that had taken

place, based on the 4400-gallon usage. He stated he had told them at the last meeting that at the proposed rate, it was \$24.38, and he stated that under the new amended rate, it would be \$22.31.

Mr. Kelley displayed another slide, and he stated this was getting down to a summary. He stated the proposed changes would generate approximately \$16.3 million in new revenue, that the amended changes would reduce the impact to the low and average home usage customers, and he stated they could see the numbers on the display. He stated that for the small, large, and very large users, this amendment would leave the commercial rates and the wholesale rates as originally proposed.

President Meredith thanked Mr. Kelley for the presentation.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated there had been a chart displayed with Huntsville Utilities' water rates, comparing these with other cities' rates in this area. He asked if this included the availability fee and the availability fees of other cities, so that it would be apples to apples.

Mr. Kelley stated it did include that. He stated they had also been asked if they were comparing other cities' water and sewer to just their water, and the answer to that was no, that it was just water, and it included any availability customer charge, whatever it was for an average residential bill. He continued that they actually ran that analysis monthly. He stated most of these sites posted their rates on their website, and a few they called, just to verify they had not changed their rates.

Councilmember Kling stated that with this new water sprinkler rate they had, they had the meter that cost approximately \$350, and he asked if they were getting to the point where there was a diminishing return between having a sprinkler at the higher rate versus having the sprinkler system operate off of the customer's regular

meter, where they would have to pay sewer rates, but still one where it would not be as high. He asked if they were watching that.

Mr. Kelley replied in the affirmative. He stated he was sure that as these rates increased, on the sprinkler usage in particular, there would be customers who would do the math on this and see what made sense for them. He stated that as this rate increased, especially if it increased disproportionately from the regular residential rate, it would call that more into question. He stated he did not know if that would be enough to change the revenue, but he did not imagine that to be the case.

Councilmember Kling stated he had heard from some people who had felt like they had bought the meter in good faith, that they felt they would be saving on the sewer rate, but at this time, because the rate had gotten so high, they felt they were dealt with in bad faith on that.

Mr. Kelley stated he understood the point, and those customers could look at it and decide what would be in their best interest.

Councilmember Kling stated that, conceivably, some people might decide to disconnect their sprinkler meter and just reconnect to the regular meter.

Mr. Kelley stated that was correct, and if they did so, the sewer charges would apply. He stated there were customers who would like to reconsider the way the sewer rate was applied in those circumstances, and that would be a decision for Water Pollution Control and the Council.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson commended President Meredith on working so collaboratively with Huntsville Utilities, after listening to everybody's comments and concerns, and reaching a good compromise for the Council to work on.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated that, as discussed in the prior Council meeting, he



was looking for the ability for Mr. Kelley to forecast as to Huntsville Utilities having predictability in the asset of water and having the ability to say they could do these things because they knew this amount of money, at its lowest, would come in, that the accessibility would allow the predictability in forecasting. He stated he had said it was very important for him to know that his constituents, as in all of Huntsville, would have some level of predictability, such as Mr. Kelley.

Councilmember Keith asked Mr. Kelley if, in looking at this new proposal, he felt comfortable, noting that he hoped this would be in the 90 percentile, that he would not return to the Council to look for a water increase maybe in the next four to five years.

Mr. Kelley stated he remained comfortable with this. He stated this rate design, as he had mentioned, had more volatility to it. He stated he thought it had been mentioned at the prior meeting about this being just \$20, and including water, and he stated they had looked at that scenario multiple times, and the problem with that structure was if a customer used very little water, and they were given many thousands of gallons for free, and the customer did not use thousands of gallons, it would not have a lot of value for that customer. He stated that this proposal had a bit more volatility to it, but he felt like they could live within these means and make it work.

Councilmember Keith stated to Dr. Sommerset, who had spoken to the Council previously in this meeting, that he agreed with some of the statements she had made, but he in no way could agree with the statements that were made against Mr. Kelley. He stated Mr. Kelley had worked with him many times to discuss how they could be accountable to customers who would be impacted most, not just in the time of raising water rates, or raising utility rates, but how they would make the lowest impact on those who needed it the most. He stated that as to the statements that were made

about Mr. Kelley, he had never seen them to be true. He stated that, however, he thought it was beautiful that Dr. Sommerset held people accountable, that a Utility that made this much money and had this amount of impact on the Tennessee Valley should have oversight, but he could not agree about Mr. Kelley, that he was the best leader he could think of to be at Huntsville Utilities and to help work through some of the tough decisions they had seen in the last five to six years, and in years to come.

Councilmember Keith stated he had worked on this rate, and he knew this was not just for the little old ladies, but also for the young ladies who had two or three kids, in consideration of how water would impact them. He stated the lowest impact on multiple users was the most important part to him.

Councilmember Keith stated some people might feel parts of this were unfair, but it was the best compromise, as far as what would help the water system be better for the next five to ten years and what was reasonable to the people who would be paying for it. He thanked everyone who had given input on this matter, and he asked that they understand the Council was doing the best, in his opinion, for both the growth of Huntsville and the sustainability of the people in it.

Councilmember Little thanked President Meredith and Mr. Kelley for going back and working on this matter.

Councilmember Kling stated the Council was a deliberative board, and they were doing their work out in the open. He stated he thought Huntsville Utilities had very good management, and the board members represented the interest of the community, and they had great business experience, and all of these people gave the community hundreds of hours a year. He stated he had high regard and respect for them, and he had voted for them for reappointment. He stated that, also, he believed Mr. Kelley had provided good management, and he very much appreciated his leadership. He stated that, also, he believed Huntsville Utilities' staff had worked well

with their customers on different situations.

Councilmember Kling stated there were a lot of positives in the amendment that was on the floor, but he was concerned about the availability fee and how that compared with the usage, but that was his perspective he had brought to the table.

Councilmember Kling stated to Mr. Kelley he thought they were very fortunate to have him in the community, and he stated that while he was not 100 percent on board with the adjustment that was proposed to be made, he would support it, noting it was a good trend over what they had two weeks prior, that it was less of an increase, although not what he had wanted. He stated he had always felt Mr. Kelley had dealt with issues he had brought to him in good faith, and he had a high regard for him, his staff, and other employees at Huntsville Utilities, and the board members.

President Meredith stated he and Mr. Kelley had spent a lot of time on this matter, that there were several versions of this amendment, and each time, Mr. Kelley had his people run the numbers, and he had sat down and explained the differences. He stated that the entire time on this, he was working with Councilmember Keith and Councilmember Kling, that they had the most expression of concern when this was first presented to the Council, and it was those populations that were paramount, that, frankly, were protected from overt increases in their bills. He stated that government was compromise, and they were able to lower the rates for those individuals, and they also had a mindset for conservation, and conservation was greatly rewarded in this new structure.

President Meredith stated, regarding the comments that had been made earlier, that his seat was a hot seat, and he did not want to be accused of denying someone their First Amendment right to speak, that he liked to think that in his way, he had chastised those comments by that speaker and let her know that was unacceptable. He stated he thought, hopefully, that in the future, whether it would be

concerning Huntsville Utilities or some other issue, the speaker would pick her words better.

President Meredith stated to Mr. Kelley that he would echo his colleagues' comments, and he thought he was very much an honest broker and an honest individual, and he had done a wonderful job at Huntsville Utilities, in representing that company and making sure the customer base was satisfied and happy, and that when people turned on that tap, they knew that water was safe, and he stated that was paramount.

President Meredith asked if there was any further discussion on the amendment on the floor.

President Meredith called for the vote on the amendment, (1), To change the highest tiers of residential usage to "Next 6,000 gallons" and "Over 12,000 gallons," respectively, from the "Next 9,000 gallons" and "Over 15,000 gallons;" and (2), to change the residential usage tier rates from \$1.80 to \$1.70; and in the next category, from \$2.31 to \$3.21; and in the next category, from \$2.58 to \$3.48; and in the next category, from \$4.06 to \$4.96, with all rates being per 1,000 gallons, respectively; and (3), to change the residential sprinkler rate from \$4.06 to \$4.96, as the per gallon rate; and (4), to create a new availability charge for 5/8" meters, which were currently included with 1" meters, and set the rate at \$14; and, finally, to change the common master meter availability charge for apartments from \$16.67 to \$14.00, with Substitute A incorporating the changes requested in this motion, and it was unanimously approved.

President Meredith asked if there was any further discussion.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated to Mr. Kelley that he had said the Cash Balance with this amended rate structure would not be what it was with the proposed

rate structure, and she asked what this difference would be.

Mr. Kelley stated that it was about half-a-million dollars a year, but it was stable. He displayed a slide, and he stated that the green line depicted was what they were trying to stay above, and they were still well above that line.

Councilmember Robinson stated this went back to Councilmember Keith's concern, and her concern as well, and this was demonstrating five years of stability and being able to meet their goals in that five years, so this was what showed them that Huntsville Utilities would not likely be coming back with a rate increase.

Mr. Kelley stated that was correct, that this was what gave them that confidence. He stated there could be something he could not predict, but based on their forecasted model, that was correct, and he stated he would do everything he could, and he knew his staff would do everything, to live within this rate increase for the next five years.

Councilmember Keith asked Mr. Kelley when the rate increase would take effect.

Mr. Kelley stated that because of the change they were doing with this availability, creating the 5/8" availability, which was not currently in their system, they were having discussions about this. He stated that originally the goal had been to implement this on October 1, but he did not know if they could do that, that they might put it off until November 1. He stated that assuming the Council passed this, that would be the rate, and they would implement it as quickly as their software would allow them to.

Councilmember Keith asked if there would be a way to notify every customer that there would be a rate difference.

Mr. Kelley replied in the affirmative, and he stated they had communicated to the public pretty aggressively when they had proposed this rate increase several

weeks ago, but at this time, it was different, so they needed to communicate the difference, so everyone would be aware of this, and they would start that work.

Councilmember Keith asked if this would happen before customers would see this increase on their bills.

Mr. Kelley replied in the affirmative.

President Meredith asked if there was any further discussion.

President Meredith called for the vote on Ordinance No. 23-628, as amended with Substitute A, and it was unanimously adopted.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated he had brought up the subject of trees previously, because it had been brought up to him. He stated his request to Mr. Kelley was to have an overall review of trees, the tree-trimming process, the selection effectiveness, and the impact it had on citizens. He asked if Mr. Kelley was comfortable stating he was going through that process to have an internal review, and if he could expect a response from him in 2023 or if he should be looking to 2024.

Mr. Kelley stated they had engaged their Process Excellence Group within the organization, the internal audit function, to look at the current structure. He stated that their tree-trimming specifications were set by ordinance. He stated that approximately two years ago, rather than having one large tree-trimming contract, they had broken it up into multiple contracts so different players could do the work, that it would not be just one big company that would get the contract, that they could open it up to smaller companies that could compete, local companies that could complete, but they needed to make sure the quality was there across the board, and that the inspection process was solid, so that work was under way.

Councilmember Keith asked if when that was finalized, he could receive it in a review form.

Mr. Kelley replied in the affirmative.

Councilmember Robinson read and introduced a resolution authorizing the Mayor to approve Budget Work Orders and Project Work Orders for new construction for system improvements, capital projects, including material purchasing, outside services, and labor, transportation, and other expenses, as outlined in the Budget for the Electric Department for the Fiscal Year 2024, at a total estimated cost of \$62,215,285.00 (Utilities: Electric), as follows:

(RESOLUTION NO. 23-713)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson read and introduced a resolution authorizing the Mayor to approve Budget Work Orders and Project Work Orders for new construction for system improvements, capital projects, including material purchasing, outside services, and labor, transportation, and other expenses, as outlined in the Budget for the Gas Department for the Fiscal Year 2024, at a total estimated cost of \$5,234,622.00 (Utilities: Gas), as follows:

(RESOLUTION NO. 23-714)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson read and introduced a resolution authorizing the Mayor to approve Budget Work Orders and Project Work Orders for new construction for system improvements, capital projects, including material purchasing, outside services, and labor, transportation, and other expenses, as outlined in the Budget for the Water Department for the Fiscal Year 2024, at a total estimated cost of \$31,566,340.00 (Utilities: Water), as follows:

(RESOLUTION NO. 23-715)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith and was unanimously adopted.

President Meredith recognized Mr. Kelley.

Mr. Kelley stated he appreciated the very kind comments that had been made by the Council members. He stated he was in a position of public trust, and he understood that, and customers of all kinds had all kinds of opinions, and he respected that because he recognized that Huntsville Utilities and the work they did impacted everyone in the community, from those who could least afford it to those who just lived in their vacation homes somewhere else. He stated they served everyone, and that was an important trust, and that was why at Huntsville Utilities, their value was to do what was right, to build community, and to get better every day. He stated they took oversight, they took criticism, and it did not make them blush, and it did not make him blush. He stated he appreciated the privilege to serve this community, and he appreciated the Council's leadership at this time.

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

Councilmember Robinson read and introduced an ordinance authorizing the vacation of a Utility and Drainage Easement between Lots 17 & 18, Stonemark Sector 8, 10145 Skylark Drive (Clayton), as follows:

(ORDINANCE NO. 23-716)

Councilmember Robinson moved for approval of the foregoing ordinance, which motion was seconded by Councilmember Kling and was unanimously adopted.

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

Councilmember Keith moved for approval of Ordinance No. 23-694, amending Chapter 25, Traffic and Vehicles, Section 25-180, Restricted use of Wireless



Communication Devices While Driving, of Article IV, General Rules of Vehicle Operation, of the Code of Ordinances of the City of Huntsville, Alabama, which was introduced at the August 24, 2023, Regular Council Meeting.

Said motion was seconded by Councilmember Robinson.

Councilmember Keith asked if he could call for a recess at this time.

President Meredith stated the Council would be in recess for 12 minutes.

(Recess.)

President Meredith reconvened the meeting.

President Meredith stated the Council had on the floor Ordinance No. 23-694, and he recognized Councilmember Little.

Councilmember Little stated he was proposing to add some teeth to the City's existing texting ordinance. He stated that as his presentation would show, cell phones, such as a smart phone, were really computers with a phone function. He stated that if one looked at all the apps that were there, they probably used their phone more than anything else, from social media to email and web searching. He stated he wanted to share some data on this, and then he would share some personal stories of some families he had gotten to know who had been affected by this. He continued that, also, his own family had dealt with this, and he would get into that, and he thought everyone would know where his heart was in this ordinance.

(Councilmember Little made a PowerPoint presentation.)

Councilmember Little displayed a slide entitled "The Problem," and he stated that people were prisoners to their phones, that people wanted to live in the now, and studies had shown there was a dopamine drip in people's brains when their phones dinged, that people could be in the middle of a conversation, and they would look down at their phones, ignoring the person they were talking with. He continued that this was creeping into people's driving, and people were getting injured and killed.

Councilmember Little displayed a slide entitled "Motor Vehicle Crashes," and he stated that over 1 million people had died in car crashes in the last 25 years. He stated these were national numbers, that this was a national problem, which meant it was a Huntsville problem. He stated they could see on the display how these numbers had gone up between 2019 and 2021. He asked if a plane crashed every day, killing 120 people, if people would be flying, and he stated he did not think they would be, but when this meeting was over, everyone would get in their cars and head home, and they were going to drive to work on the following day, drive to their jobs, that people had become complacent. He stated if someone died from an injury, it would more than likely be from a car crash, and he stated this was the leading cause of death for teenagers. He stated they had three kids at his house, and that was one of his greatest fears, getting a knock at the door and opening the door, and there would be a police officer.

Councilmember Little stated this was very expensive, hundreds of billions of dollars per year in costs, and, as he had said, people were complacent.

Councilmember Little displayed a slide entitled "Motor Vehicle Crashes," and he stated, concerning what was causing these crashes, that it might be vehicle maintenance factors 10 to 13 percent of the time, that a tire would fall off or the brakes would quit working, et cetera, and, also, there were environmental factors, such as snow and rain and fog, but, as they could see at the bottom of the display, who was in charge of most of these wrecks were the people involved, that 93 percent of car crashes were caused by humans, and going up the list, the environmental factors were more than likely human errors, people driving too fast under certain conditions and causing crashes.

Councilmember Little displayed a slide entitled "Crash Causation," and he stated this was from the World Health Organization. He stated one of the big things

people did not realize was the cognitive distraction when they used their phones. He stated if anyone thought they could do two things at once, he would challenge them to make a phone call and then turn on their favorite TV show and try to be engaged in both, or to read an email. He stated he had been busted a few times by his wife when he was on the phone with her, and he was thinking about something at work, at his desk, and he would just start saying, "Uh-huh," and she would know he was not listening.

Councilmember Little displayed a slide entitled "Driving Distractions, the Science of Distractions," and he stated people had to keep their eyes on the road and their hands on the wheel, but the big thing was that their mind would be on the driving.

Councilmember Little displayed a slide entitled "Selective Attention & Switching," and he stated he always told people if they had "Excellent multitasker" on their resume, they needed to change that because they could not multitask, like he was saying earlier, that the brain just could not do two things at once. He stated one might be looking but not seeing or hearing but not listening, that there was a difference in the two.

Councilmember Little displayed a slide entitled "Inattention Blindness," and he stated this was from a study several years ago, and they had put sensors in cars, and this was in vehicles at this time, noting that his daughter drove a Subaru that had some sort of eye-tracking, that it would tell someone their eyes were not looking straight ahead. He stated that on the display, they could see where the view narrowed when someone was on their phone, and that was the inattention blindness he was talking about. He stated they could think about flying, and everyone would get off the plane, and they would be talking on their phones, walking down the concourse and looking straight ahead, not paying any attention to what was going on around them,

and the same thing was happening out on the street.

Councilmember Little displayed a slide entitled "Crashes & Cell Phones," and he stated these were estimates from the National Safety Council, for 2022, that about 3,100 people would die in car crashes that would be cell phone caused, that the total fatalities estimate was just under 43,000, and over 362,000 injuries. He stated approximately 32 percent of all car crashes involved cell phone use, and more than likely, that number was a lot higher, and the reason was that this was underreported.

Councilmember Little displayed a slide entitled "Under Reporting," and he stated people were not willing to admit their own bad behavior, and it was hard for police to compel cell phone records unless somebody was seriously injured or killed. He continued that there was also the lack of witnesses, and in many cases, the distracted driver was deceased. He stated the limitation of law enforcement to enforce this was a challenge.

Councilmember Little displayed a slide entitled "Putting It All Together," and he stated humans were causing these wrecks, that this was the No. 1 killer of teens, and the leading cause of death by injury. He stated cell phone drivers were four times more likely to be involved in a crash. He stated there was a study done in Utah in 2008, and the reaction times of the distracted driver had been shown to be slower than somebody at the illegal limit of alcohol. He stated he was not advocating drinking and driving, but the point was that the drunk driver knew they were impaired, but the distracted driver did not.

Councilmember Little displayed several slides, and he shared stories of families that had been affected by this problem. He stated he had often said everyone was one injury, one illness, one event away from becoming advocates for a cause. He stated they could think of people who were fighting cancer and were out spreading the word and raising money, and he stated the same thing happened with car crashes.

Councilmember Little displayed another slide, and he stated he would share his story, that shown on the display were his children, in December of 2008. He stated this was taken right before an incident involving his family, that they had been to visit family in Morgan County, and they were traveling east on Highway 36, and the young man in the red vehicle that was shown on the display was texting his father that he was on his way home from a church Christmas party, and while he was sending this message, he did not notice the stopped cars, and he hit a blue van that was in front of him, and then came into their lane, and they hit head on.

Councilmember Little displayed another slide, and he stated this showed the vehicle they were traveling in, after the crash. He stated his wife and kids were relatively unscathed, and his wife had gotten them out of the vehicle, but he was pinned between the seat and the dashboard. He stated adrenaline was a wonderful drug because he kept telling his wife he was okay, while she was telling him he was not okay. He stated they had waited about 10 or 15 minutes for the Cotaco Volunteer Fire Department to get there, and he was trapped and conscious for the entire time. He stated that while the good Samaritans in the area were helping and calling 911, his wife had called his parents, and she was so upset that his dad had thought she was telling him he was dead. He stated that, amazingly, the kids had minded their mom, and they had sat on the front porch of a house where the wreck happened, and they had to watch the whole scene unfold. He stated that finally, the Volunteer Fire Department had arrived, and they had pulled him out of the vehicle, and they had called for a helicopter, but there was no helicopter available because the weather was bad, and it had been a very bumpy ride in the ambulance.

Councilmember Little displayed another slide, and he stated he had a broken nose, a broken collarbone, three broken ribs, that his left lung was partially collapsed, and his left hip was dislocated and broken.

Councilmember Little displayed another slide, and he stated they had gotten to the hospital, and they had put him back together again. He continued that he was in the hospital for about 16 days, over Christmas, and there were multiple months of rehabilitation, and he had to live with his parents for about eight weeks because he needed a hospital bed, a wheelchair, and all the things that went with it. He stated this memory would always be “yesterday” for their family, that they talked about it a lot. He continued that driving had gotten easier, but now with the kids driving, he was more aware of what was happening. He continued that depending on where they were headed, those drives could be stressful, and the main reason was because they were trying hard to pay attention, and when they paid attention when they were driving, they realized who they were sharing the road with and how much of a miracle it usually was that they got from one point to another.

Councilmember Little stated this was a big issue in the country, and it was a big issue in Huntsville, and he stated he looked forward to questions from his fellow Council members about this ordinance.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson asked if they could talk through the actual ordinance, for the benefit of the public.

Councilmember Little replied in the affirmative, noting that he had a copy of it.

Councilmember Keith asked Councilmember Little if he would mind if he got perspectives from Mr. Hamilton concerning the perspectives of the Police on this matter, since Chief Giles was not present at the meeting.

Councilmember Little stated they had started this process in January or February, getting the ordinance written, and the first place he had sent it was to HPD, for review, that they had seen it, and from the best he could tell, they were all on board with it.

Councilmember Keith stated he did not have a question at this time, that he wanted Councilmember Little to go through the ordinance, and he was just asking if he would be comfortable with Mr. Hamilton speaking on this matter after that.

Councilmember Little stated he was very comfortable with it.

Councilmember Little stated he had emailed the ordinance to the Council members.

Councilmember Robinson stated Councilmember Little had given a great presentation, telling them why this was important and why it had been introduced, and at this time, they needed to tell people what he was asking for.

Councilmember Little read from Ordinance No. 23-694, under Sec. 25-180, Definitions, commencing with "Text-based communication," and he continued reading under Section 2, Sec. 25-181, Restrictive Use of Wireless Communication Devices While Driving, Sec. 25-182, Exceptions, Sec. 25-183, Violations, Sec. 25-184, Penalty, and Section 6.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated she had received emails about this ordinance, and one email in particular asked a lot of questions about it, and she thought they could cover a lot of things. She asked if it was correct that this was an amendment to the City's existing law regarding texting.

Councilmember Little stated that was correct.

Councilmember Robinson asked if this applied to all handheld devices, not just phones but radios and other communication devices.

Councilmember Little stated that in the section under "Definitions," it stated covered devices not including voice radios, mobile radios, land mobile radios, et cetera.

Councilmember Robinson asked why it did not apply to those.

Councilmember Little stated he thought it was because those were for a lot of emergency use, that volunteer fire departments might have a phone with a "push to talk" radio, and that was how they were communicating.

Councilmember Robinson asked how enforcement would be handled for this, noting that they had a hard time enforcing their texting law.

Councilmember Little stated it was pretty simple, that if somebody had their phone in their hand, they could be pulled over. He stated the old ordinance was very hard to enforce because in Huntsville, and across the country, the old texting laws were hard to enforce, because someone could say they were just dialing the phone, or using their GPS, that there were a million excuses. He stated that 20 years ago, there were flip phones, and maybe 5 percent of the population knew how to text on them, but at this time, as he was saying earlier, they had these little handheld computers that had a lot more going on in them, for persons to be communicating, facetimeing, or watching movies. He stated this would make it easier to enforce.

Councilmember Robinson asked if Councilmember Little had gotten feedback from the Police on this ordinance.

Councilmember Little replied in the affirmative, stating they liked it, for lack of a more eloquent way of putting it. He stated they saw this all the time, and he saw it all the time, that everyone saw it all the time, that everyone he had talked to said they saw it all the time, that no one had told him they did not see it.

Mr. Riley asked to interrupt, and he stated that one of the primary examples on the existing ineffective texting violation ordinance, besides the expansions of the use, was that this would be a primary violation offense, noting that the current texting offense required a secondary violation, that, in other words, the police could not stop someone just when they saw them with a phone, that there had to be some other reason, something they were doing. He stated that same weakness existed in the



most recently passed State legislation, that in order for the police to stop somebody based on the State law, they had to observe driving behavior on the part of the individual, such as crossing in or out of a lane without a turn signal, swerving, or operating a vehicle in an impaired manner, while holding a wireless telecommunication device, or writing, reading, or sending a text. He stated the argument was they could not stop them unless they saw some violation of the law ongoing. He continued that this was a different impact of this proposed ordinance, that it was a primary violation rather than a secondary violation.

Councilmember Robinson stated that, then, it would make enforcement easier for the police and dealt with the entire range of distractions that might be possible from a phone, and it not only would strengthen the City's law, but it was stronger than the State law.

Councilmember Robinson stated that this citizen who had sent her the email had asked a good question, and it also applied to her. She stated it was that older vehicles did not have bluetooth connections, that they did not have the screens right there. She stated she knew how she had dealt with this, but she asked what would be the options for people who had older vehicles.

Councilmember Little stated it could be headphones, noting that he had used earphones, a speaker phone.

Councilmember Robinson stated Amazon had great little bluetooth speakers that one could put on their dashboard, and it could be picked up.

Councilmember Little stated persons could also just pull over and make their phone call.

Councilmember Robinson stated there was also that. She stated that the email had also asked if earphones were not dangerous, if they kept someone from hearing sirens or other vehicles.

Councilmember Little stated he used his to listen to music or podcasts because his stereo system did not work well, and he still heard the road noise, that he heard sirens, but if someone had the sound blasting, they might not.

Councilmember Robinson stated that, also, persons should not use noise-canceling earphones.

Councilmember Robinson stated she had noticed there was one section in the ordinance that applied only to persons 18 years old and up, but there were drivers who were 16 years old, and she asked why that section did not apply to 16-year-olds.

Councilmember Little stated he believed there were existing laws for novice drivers, for no texting, in the state, and there had been for a long time.

Councilmember Little asked Mr. Riley if he could shed a little light on that.

Mr. Riley stated he thought that was correct, that if he was not mistaken, they had different restrictions on younger drivers, that when they were 16, they did not necessarily just get turned loose. He stated he was not exactly certain what these restrictions were, but the restrictions were there. He stated younger drivers had a different set of habits, and they had a different set of distractions and things. He continued that he was generalizing, noting that a lot of young drivers were very careful, but this was a recognition of those things, and to allow them to hopefully survive those younger, less-experienced years, so they could be safe as they got older.

Councilmember Robinson stated her last question from the email was why, if they were really interested in reducing distractions, they were just focusing on cell phones, that there were a lot of different distractions, such as children in the back seat, which might be the greatest distraction.

Councilmember Little stated the crash data did not bear out that persons were dying from eating hamburgers, arguing with their kids, or whoever. He stated he could reach back and swat legs without taking his eyes off the road. He stated there

just was not the crash data to back that up.

President Meredith recognized Councilmember Kling.

Councilmember Kling asked if it was correct that nothing in this ordinance would prohibit a nondriver from having a cell phone.

Councilmember Little stated that was correct.

Councilmember Kling stated he had received an email expressing concern about jail time being added to texting, when, based on the DUI task force and maps this person had seen, most of the burden fell almost exclusively on President Meredith's and Councilmember Keith's districts, and he was expressing a concern that an inordinate amount of the scrutiny and convictions and jail time would be on residents of those two districts. He stated this might be more of an enforcement-type issue, but he was just expressing this gentleman's concern, as a courtesy to him.

Councilmember Little stated that with the laws that had been passed in other states, that type of data had not been borne out, that these laws were picking on one group over another. He stated he would say, to be quite blunt, that death and injury did not discriminate.

Councilmember Little stated that if someone could tell him that to call or to text, whatever persons were doing on their phones, was worth dying over, he was all ears. He stated, concerning the existing State law, which Mr. Riley had referenced, which was pretty weak, that one of the caveats that was asked in Montgomery was that the demographic data, or statistics, of those who were stopped for using their cell phones was recorded and sent to ALEA monthly, so that existed at the State level, and it trickled down to the counties and the police departments. He stated he was pretty sure that type of data was recorded, that if someone got a speeding ticket, they would know who they were, and he would assume they could track that and see if it was an

issue.

Councilmember Little stated this was not about fining people, that it was not about putting people in jail, that it was about correcting and changing behavior.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated that before he got to Mr. Hamilton, he wanted to lay out some of his concerns. He stated that in regard to what had happened with the State, many states had noticed they had a pull-over rate that was not correlated to, like, a permissible rate for the tickets, and people could not prove the person was on their phone. He stated texting could be proven, that there was an ability to pull up text records to say that at the time a person was pulled over, they had texted, and that phone records correlated to that, so it was admissible in court. He stated what happened in some of these cases was how they could prove someone had their phone, rather than the word of a police officer versus the word of the person in the vehicle. He stated it did not have any threshold of proof, where either they were recorded by a police officer or there was some ability to prove that happened.

Councilmember Keith stated a concern he had was that when he would pull up to a stop sign or a red light, he would pick up his phone to see what a notification was, and he would put it back down, or he would change a song, so at that time he would have picked up his phone. He stated his concern was if an individual was told they were seen picking up their phone, or had their phone in their hand, and they disagreed with the officer, what would be the byproduct of the decision at that time, if they would be given a citation on site, or they would be given a chance to go to court, and then they would have to pay court costs, of perhaps over \$100, and the list would go on. He stated he would like an understanding as to that question.

Councilmember Keith stated he had a question for Mr. Hamilton, and he stated he thought a seatbelt situation might be a comparative. He asked, to

Mr Hamilton's knowledge, what the process was when an individual was issued a seatbelt citation, or something correlated to that, that they had to prove. He asked if they could just pull people over and say, "Oh, I thought you didn't have your seatbelt on" or "I have you on camera without your seatbelt."

Mr. Hamilton stated that as opposed to trying to pick specific violations, he would talk more in general, and make sure people understood the distinction Mr. Riley was explaining, as to a primary offense versus a secondary offense. He stated that speeding would be an example of a primary offense, that an officer would observe that behavior, and they would have probable cause and be authorized to stop a person and to conduct enforcement operations, on the basis of having witnessed it, in one way or another, maybe by a radar gun, their own eyes, that there would be multiple ways they could have observed and established probable cause to pull someone over for a primary offense. He continued that that could be the only violation, and that would be the only violation they would need in order to be authorized to pull someone over and conduct enforcement operations. He continued that as compared to a secondary offense, where they might see it, and they might know 100 percent that someone had committed that secondary offense, but if there was not some primary offense that went along with it, they would not have the authority to pull someone over and conduct enforcement operations, solely for a secondary offense.

Mr. Hamilton stated that this was oftentimes why people got multiple tickets from a single stop, that they were speeding, and they would get pulled over, and in the conduct of that enforcement operation, the police would then identify other violations, so a person might get four or five violations in one stop, because they had authorization to pull someone over, and then identified those secondary offenses.

Mr. Hamilton stated he would give them an example, and he stated that on the

prior day, he was driving up Governors Drive, and he looked over to a car immediately adjacent to him, and the young lady was driving while staring directly at her phone. He stated he did not observe any other behavior, and he quickly changed his speed so he would not be next to her, because of seeing her on her phone, but he did not personally witness anything else she was doing that would be considered to be a violation, so if he had been a police officer, he would not have been allowed, solely on the basis of seeing her on her phone, to pull her over. He stated that if that was a primary offense, then if he had been a police officer who observed that behavior, which was illegal and a primary offense, he could have pulled her over solely for that behavior. He stated that was the distinction between a primary offense and a secondary offense.

Mr. Hamilton stated he did not have data in front of him on specifically how often they were citing for primary versus secondary offenses, but he knew that quite often, there were multiple secondary offenses that were added to citations when persons were pulled over and went through enforcement on a primary offense.

Councilmember Keith stated that his question on this was as to what the particular process was if somebody would make the statement on a primary offense, as a data point to consider, "I saw this person," and then the person would say, "I wasn't." He asked who would be believed in that setting.

Mr. Hamilton stated Councilmember Keith was really getting to the process inside a courtroom, and it was obviously more complex than that.

Mr. Riley stated that just like every other criminal offense, speeding, or whatever the case might be, it was often the potential offender's word against the law enforcement officer's word. He stated this did not provide a different burden of proof, that the burden of proof in this case would still be on the prosecution, that one was still innocent until proven guilty beyond a reasonable doubt when one went to

court, so one could certainly go to court and make that argument in defense.

Councilmember Keith stated a person would still have a process they had to go through. He stated, concerning speeding, that he did not think this correlated the same way, that there were devices and processes that were trained, to teach the police officers, to use radar, and there were positions by which they could predict the speed limit, correlated to special places, such as school zones, et cetera, that there were parameters in that, but this was just if they saw someone on their phone, they could stop them. He stated they were making the assumption that every police officer was going to do this process ever so right.

Councilmember Keith stated he was not against having a standard that precluded it, in a sense, that if they saw this, and they had this on their dash camera, and they could then produce a video that showed what they saw was true, he could support something like this, but at this time, they were just saying they trusted that every police officer was going to stop people they saw on their phone, that that was what this ordinance was making the assumption of. He stated he was just saying there should be a burden of proof if they were going to make it a primary offense.

Councilmember Keith stated this was something they were passing that he completely agreed with, but because there was no process nor burden of proof on the police officers, it was at the discretion of a police officer to do that. He stated that if this said "if caught on video camera" or "if seen by one or more police officers," or if a corroborative story had value, he could actually understand that. He stated there was 24 months of consideration, and not even a warning, on a first offense, and there was no burden of proof on the police officer.

Mr. Hamilton stated if they went through all the ordinances that established criminal behavior in the city of Huntsville, they would not find a list of all the various ways the prosecutor must prove their case, that that was not how laws were written.

He stated he was talking about a judicial process, inside the courtroom, that was based on the philosophy of innocent until proven guilty. He stated speeding laws did not define exactly how the police officer had to prove it, that that was for the judge to decide, or for the jury if it was a jury trial, and it was the prosecutor's job to be able to prove it.

Mr. Hamilton stated that Councilmember Keith was 100 percent correct that if this was enforced as written, there absolutely would be cases where the only thing they would have would be the police officer's word against the driver's word, and ultimately the judge would have to decide whether or not a person would be convicted. He continued that the police did not convict anybody, that no police officer had ever convicted anybody, that a police officer would have brought forth the allegation, charged a person with a crime, and ultimately the prosecutor and the judge and the jury would have to make those kinds of decisions.

Mr. Hamilton stated Councilmember Keith was correct that this was a very difficult ordinance to enforce, and to enforce not just in pulling someone over and writing them a ticket, but to enforce to the point of getting a conviction. He stated it would be extremely challenging to prove beyond reasonable doubt in a courtroom that someone did this, that he did not believe there was any doubt in anyone's mind about the challenges of enforcing it. He stated it was absolutely possible that it would be captured on a dash cam, but it was also possible it would not, that the car had to be positioned exactly correctly versus the perspective of the camera, and those kinds of things. He stated there would be some cases where they would have it on dash cam, but in a lot of cases, they would not. He stated that an officer was going to have to use their judgment, that all traffic laws were enforced based on the judgment of the officer. He stated they could not hire enough police officers to stop every speeder, to stop every rolling stop, or someone not using their blinker, et cetera. He stated that,



obviously, many of the traffic laws were in place to serve as deterrents, and to allow the officers to apply their judgment on those things that were most dangerous, and that was what they were out there doing every single day.

Mr. Hamilton stated that while HPD was in support of this ordinance, or if the Council chose to amend portions of it, that they were absolutely in support of making it easier to actually try and change this behavior, that ultimately it was about changing behavior, that it was not just about enforcing the law. He stated it was their belief that having this ordinance, or one like it, in place would have an influence on behavior, and the streets would become a little bit safer.

Councilmember Keith stated he virtually agreed with everything Mr. Hamilton had said, that they were not disagreeing, and he did not disagree with Councilmember Little, that he was just concerned with the process, because he valued the process of an individual receiving a citation being a burden to the citizen. He stated he did not think it was a passive thing to have to go to court, to have to stand before a judge, that he believed that was an impactful thing. He stated it was written in a way that if a person got their first one, they would have to wait two years to even be back into consideration of not getting a second and a third.

Councilmember Keith stated he did not believe they should pass something without having a proper process they would go through related to it. He stated he believed this could have an impact, that whatever that percentage would be, if it saved one life, it would be worth it. He continued that, however, this was that a police officer could determine at any point how they saw you, why they saw you, and what they saw, and that would be enough reason to give a citation, and then that person would have to go through the court process to prove their innocence, without a burden of proof in process. He stated he was not talking about a prosecutor, but a burden of proof in process in place inside the Police Department, to say "Our policy is

we would like to have this on dash camera to present to the prosecutor." He stated that was separate from even talking about court, so he did not want to take the two in tandem.

Councilmember Keith stated he was saying an in-house process saying they would not give a citation they did not catch on dash camera was more reasonable, as a burden, than to say that it was a police officer versus someone. He stated before body-borne cameras, it was still a police officer's word. He stated they could give a statement and a video that correlated to the statement because they had invested in cameras, and all he was saying at this time was to do the same thing with this ordinance, to have a burden of proof that was on the police officers so they could only write the citations if they could prove it.

Councilmember Keith stated that was his view, and it did not take away from the considerations they had given of the importance, and it would never take away from Councilmember Little's experience and his perspectives on the stats and the data, that it was simply saying they did not have an in-house process of a burden of proof they were proactively trying, that it did not mean it had to work every time, but Mr. Hamilton had just said someone would stand in court, having gone through a process, and potentially could be innocent, only to stand against the word of a police officer, and he was just saying it would be great if the police officer could stand in court and say he had it on camera.

Mr. Hamilton stated the problem was that what Councilmember Keith had just described as to other traffic violations was not correct, that they did not have in the ordinance related to "You must use your blinker" written in there that it must be captured on dash cam.

Councilmember Keith stated he had not stated that, that he said it was the opportunity to have that for the prosecutor. He stated he was in no way saying that

better implementation of the body-worn cameras and the dash cameras were necessities, that they had decided to do that to enhance the ability for the prosecutors and others inside the city to know what was going on.

Mr. Hamilton stated what Councilmember Keith had said was that his expectation was there would be a requirement, or there be a burden of proof, and he stated there was no such burden of proof written into any of the other ordinances.

Councilmember Keith stated he was saying that in this ordinance, to empower individuals to not feel they were being picked on, or to put police officers in a better position, so they did not have a continuing number of people saying they were lying, he thought this should be a consideration. He stated he was in no way saying it should be in any other ordinances because those ordinances were not being considered.

Mr. Riley stated if the justification for this offense was to see how many people they could cite and convict for driving with their cell phone, Councilmember Keith would be correct, that they should do those things, but that was not really what they were trying to do. He stated a conviction was not important, that the idea was stopping a behavior. He stated if that person who was committing that behavior was cited and went to court, and they were not able to prove their case against them, they would have stopped them from doing that particular activity that could have been dangerous to them and others, and to him, that was still a win, even though they would not have won a conviction.

Councilmember Keith stated that a person having to come to court to stand and say "On that day, I did not have my phone in my hand" would be calling the police officer a liar, and he was saying there should be something, a provision, inside the Police Department that would empower the word of the police officer. He stated Councilmember Little had a great process and perspective of why this was important.

He continued that he wanted to empower police officers to not be called liars, and he wanted to empower citizens to feel comfortable as they had the chance to stand in front of a judge.

Councilmember Keith stated that no matter if it was DUIs, reckless driving, or speeding, individuals who were doing those things, that with whatever process they would go through, they should stop them, that he was not disagreeing with that. He stated they used multiple forms for this, that with a DUI, a breathalyzer would tell them that somebody was over the limit. He stated that at this time, there was no set process to validate what was being inferred by this citation.

Mr. Hamilton stated since they were talking about cameras, he wanted to make sure one point was clear. He stated if it was the will of the Council to make an amendment that would require the behavior to be captured on a camera, that was not how the technology worked, that in terms of the officer's ability to know whether or not his camera captured it, that would not happen until they went back and downloaded the video, that the officer would have no idea if the camera caught it until hours later.

Mr. Hamilton stated they could say the camera did not capture it, and if the prosecutor sat down and looked at the case and realized all they had was the word of the officer versus the word of the driver, it would be their job to use their judgment and determine whether or not they had a case that was even worth pursuing. He stated they were talking about potentially making it where officers could only stop a person if they knew beyond a shadow of a doubt that they had some piece of evidence other than their own eyes, and he would tell them that was not a possibility, physically, the way things happened on the street and the way the camera system worked.

President Meredith stated that Councilmember Little had been waiting a long

time to make a statement, and he recognized Councilmember Little.

Councilmember Little stated that for stop signs, there was a lot of discretion, that if he rolled a stop sign, the police could say he rolled that stop sign, and he could say he didn't, and the police could again say he did and could write him a ticket, and he could go and duke it out in court. He stated the way the laws had been written in the past about texting, it was impossible to prove somebody was texting, that compelling cell phone records was next to impossible, that like he had said earlier, they had to have a death or a serious injury or the person would have to confess they were doing it.

Councilmember Little stated these laws were in 28 states, and they had been shown to reduce distractions by cell phone use anywhere from 10 percent to 13 percent, and that was correlating to a reduction in car crashes. He stated that as had been said earlier, this was about stopping behavior, that it was not about hitting people in the pocketbook, but if that was what it would take, then so be it, that he was not going to lose any sleep over it.

Councilmember Little stated he was sure there would be an education period concerning this, that it was something new that the community needed to know, for their friends in the media to get the word out that there was a new law in the city and people needed to not have their phones in their hands. He continued that he would assume there would be some training on this for the Police Department, that they were not going to just start doing this willy-nilly.

Councilmember Keith stated he was not disagreeing with the reasons Councilmember Little was doing this, that he respected them. He reiterated his concerns about no process being in place, and he stated he believed this was something that had the potential to create opportunities for individuals to be taken advantage of, the ability of somebody to be brought through the process of a citation

in court only to make the argument "I didn't do it," and it would be their word versus the word of a police officer, in front of a judge and a prosecutor, and they could have potentially taken someone through a process that was not fair to them.

Councilmember Keith stated people knew when DUIs were about to happen, that checkpoints were set up, that they were publicly stated, and they still caught drunk people at DUI checkpoints. He asked why not set up a phone checkpoint, to pick the four busiest streets, and stand there with a camera and videotape every car as they went by, and video every license plate, and send them a ticket. He stated that even if they didn't want to send them a ticket, as it might be illegal in the state, they could stop them down the street and say they had just caught them on their phone, and they had told them the checkpoint was coming, and they were still on their phone, so give them a citation. He stated that if they did this process, they would not put it in the hands of a police officer and just their instinct, if it were late at night, and they thought they saw something, and they would have stopped this person, and put them in the justice system process, and then that person would have to go to court over a \$100 citation, when, really, they could handle it just like DUIs.

Councilmember Keith stated he thought the value of this consideration was if they wanted to stop the behavior and make the biggest impact, they wanted to have foolproof measures that would do so, that they did not want to leave it up to chance that some police officers could get it wrong, and they wanted to have outlined directives, that that was why DUI checkpoints worked, and they could have hands-free checkpoints, to pick 10 sites.

President Meredith stated that Councilmember Kling had been waiting to speak and he stated that after Councilmember Kling, Councilmember Robinson would have the floor.

Councilmember Kling stated he thought they had been around the block on

this for about an hour, and he was going to call the question.

Councilmember Robinson asked if she could please make a motion to postpone. She stated she thought they had a lot of questions on this, that they needed to hear from the Police Chief, and more about enforcement, and they had questions about if they could use phones at a red light or when they were stopped in traffic.

Councilmember Robinson moved to postpone consideration of Ordinance No. 23-694 to the Regular Council Meeting on September 28, 2023, which motion was seconded by Councilmember Kling and was unanimously approved.

Councilmember Keith moved for approval of Ordinance No. 23-695, declaring property surplus and no longer needed for a municipal purpose, which ordinance was introduced at the August 24, 2023, Regular Council Meeting, as follows:

(ORDINANCE NO. 23-695)

Said motion was seconded by President Meredith and was unanimously adopted.

Councilmember Robinson moved for approval of Ordinance No. 23-696, to amend the City of Huntsville Code of Ordinances, Chapter 27, Article III, entitled “Weeds and Overgrown Grass,” Section 27-96 and Section 27-97, which ordinance was introduced at the August 24, 2023, Regular Council Meeting, as follows:

(ORDINANCE NO. 23-696)

Said motion was seconded by Councilmember Keith.

President Meredith asked if there was any discussion.

Councilmember Robinson asked if they could have an explanation of what the changes would be.

Mr. Scott Erwin, Manager of Community Development, stated that earlier in the year, the City had a Clerk-Treasurer Department, and this ordinance read that the Clerk-Treasurer was authorized to do liens for grass and weed violations, but they had

separated that department, and the Treasurer function had gone to the Director of Finance, and they had created a City Clerk, so this ordinance needed to show who would be authorized to execute liens. He continued that this ordinance would authorize the Treasurer, who was the Finance Director, to designate the Community Development Department to execute these liens, by recording and completing that process.

President Meredith asked if there was any further discussion.

President Meredith called for the vote on Ordinance No. 23-696, and it was unanimously adopted.

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

President Meredith asked if there were any items any of the Council members would like to hold from the consolidation.

President Meredith stated that items 20.d, 20.f, 20.q, 20.ae, and 20.at would be held from the consolidation.

President Meredith moved for consolidation and adoption of the following items, which motion was seconded by Councilmember Kling and was unanimously approved.

**CONSOLIDATED ITEMS:**

Resolution authorizing travel expenses.

(RESOLUTION NO. 23-717)

Resolution authorizing the acceptance of donations.

(RESOLUTION NO. 23-718)

Resolution authorizing the Mayor to enter into Agreements with the low bidders meeting specifications as outlined in the attached Summary of Bids for Acceptance.



(RESOLUTION NO. 23-719)

Ordinance approving appropriations, goods, or services for District 1 Council Improvement Funds.

(ORDINANCE NO. 23-721)

Resolution authorizing the Mayor to enter into an Agreement between the Alabama Department of Transportation and the City of Huntsville, Alabama, for Permit to Construct a Turnout to Provide Access to a State Highway along U.S. Highway 72 East between Old Gurley Road and Shields Road.

(RESOLUTION NO. 23-723)

Resolution authorizing the Mayor to enter into an Agreement between the Alabama Department of Transportation and the City of Huntsville, Alabama, for Grading and/or Landscaping on Right-of-Way along U.S. Highway 72 East between Old Gurley Road and Shields Road.

(RESOLUTION NO. 23-724)

Resolution authorizing the Mayor to enter into a Special Agreement between the Alabama Department of Transportation and the City of Huntsville, Alabama, for the Installation of Drainage Structures on Highway Right-of-Way along U.S. Highway 72 East between Old Gurley Road and Shields Road.

(RESOLUTION NO. 23-725)

Resolution authorizing the Mayor to enter into a Contract between the City of Huntsville, Alabama and the low bidder, SJ&L General Contractor, L.L.C., for Huntsville Utilities Access Road at Ditto Landing, Option #1, Project No. 71-22-SP36.

(RESOLUTION NO. 23-726)

Resolution authorizing the Mayor to enter into a Preliminary Engineering Agreement for a Federal Aid Project between the Alabama Department of Transportation and the City of Huntsville, Alabama, for James Record Road (Martin

Road) over Bradford Creek Improvements, Project No. 65-10-RD07 & ALDOT Project No. STPAA-PE11(907).

(RESOLUTION NO. 23-727)

Resolution authorizing the Mayor to enter into a Right-of-Way Agreement for a Federal Aid Project between the Alabama Department of Transportation and the City of Huntsville, Alabama, for Martin Road Additional Lanes from Laracy Drive to Zierdt Road, Project No. 65-10-RD06 & ALDOT Project No. STPAA-PLH-8512(603).

(RESOLUTION NO. 23-728)

Resolution authorizing the Mayor to enter into a Utility and Construction Agreement for a Federal Aid Project between the Alabama Department of Transportation and the City of Huntsville, Alabama, for Huntsville-Madison County Airport Authority, for James Record Road, Project No. 71-22-SP11 & ALDOT Project No. CRSAHV-STPAA-STPHV-4520(251).

(RESOLUTION NO. 23-729)

Resolution authorizing the Mayor to enter into a Funding Agreement between the Alabama Department of Transportation and the City of Huntsville, Alabama, for Huntsville Northern Bypass from 1.2 Miles East of Pulaski Pike to U.S. Highway 431, Project No. 65-10-RD08 & ALDOT Project No. CRSA-PE10(917).

(RESOLUTION NO. 23-730)

Resolution authorizing the Mayor to execute Change Order No. 2 between the City of Huntsville and Consolidated Construction Company, for the Sandra Moon Community Center Phase 2.

(RESOLUTION NO. 23-731)

Resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville, Alabama and Nola | Van Peurse Architects, PC for Fire Station No. 20 on Burgreen Road.

(RESOLUTION NO. 23-732)

Resolution authorizing the Mayor to enter into a Facility Use Agreement between the City of Huntsville and the Alabama Constitution Village Foundation.

(RESOLUTION NO. 23-734)

Resolution authorizing the Mayor to enter into a Professional Services Agreement between the City of Huntsville and Ileen Shoemaker, dba Shoemaker & Associates, as a licensed court reporter for City Council meetings, work sessions, and other City meetings requiring court reporting services.

(RESOLUTION NO. 23-735)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and Alabama Non-Violent Offenders Organization (ANVOO), for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-736)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and the Boys and Girls Clubs of North Alabama, Inc., for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-737)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and ENABLE Madison County, Inc., for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-738)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and Family Services Center, Inc., for the use of HOME funds.

(RESOLUTION NO. 23-739)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and First Stop, Inc., for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-740)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and the Harris Home for Children, Inc., for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-741)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and HATCH HSV, Inc., for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-742)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville, Alabama and the Village of Promise, Inc., for the use of FY23 CDBG funds.

(RESOLUTION NO. 23-743)

Resolution authorizing the Mayor to make application to the United States Department of Housing and Urban Development for Continuum of Care (CoC) Program grant funds.

(RESOLUTION NO. 23-744)

Resolution authorizing the Mayor to execute Modification No. 9 to the Group Dental Plan Policy Agreement between the City of Huntsville, Alabama and Delta Dental Insurance Company.

(RESOLUTION NO. 23-745)

Resolution authorizing the Mayor to execute Modification No. 6 to the original agreement between the City of Huntsville and VSP, for the purpose of renewing the City's group vision benefits (Human Resources).

(RESOLUTION NO. 23-746)

Resolution authorizing the Mayor to execute Amendment #2 to Comp Services Agreement between Corvel Enterprise Comp, Inc., and the City of Huntsville,

previously entered into pursuant to Resolution No. 17-735.

(RESOLUTION NO. 23-748)

Resolution authorizing the Mayor to accept application for issuance of medical stop loss insurance with Partner's Managing General Underwriters, for United States Fire Insurance, on the City's group health plan.

(RESOLUTION NO. 23-749)

Resolution authorizing the Mayor to execute an application for excess workers' compensation insurance with Safety National Casualty Corporation.

(RESOLUTION NO. 23-750)

Resolution authorizing the Mayor to execute an authorization to renew a group accident insurance policy for volunteers, with Markel Insurance Company.

(RESOLUTION NO. 23-751)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and the City of Madison for Dispatching Services of Para Transit Vehicles.

(RESOLUTION NO. 23-752)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville Department of Parking & Public Transit and the Board of Trustees of the University of Alabama in Huntsville.

(RESOLUTION NO. 23-753)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville Department of Parking & Public Transit and WellStone, Inc.

(RESOLUTION NO. 23-754)

Resolution authorizing the Mayor to enter into a Service Agreement between the City of Huntsville and CivicPlus, for the use of software.

(RESOLUTION NO. 23-755)

Resolution authorizing the Mayor to enter into an Agreement to Assign Contract among Woman2Woman, M. Long Enterprises, LLC, and the City of Huntsville, for the Southern Soul Memorial Day Weekend Festival.

(RESOLUTION NO. 23-756)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and the Alabama Historical Commission, for the Place Economics Workshop and Training.

(RESOLUTION NO. 23-757)

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and the Alabama Historical Commission, for the Terry Heights Phase II Survey.

(RESOLUTION NO. 23-758)

Resolution authorizing the Mayor to enter into an Agreement for a grant among the Alabama Law Enforcement Agency (ALEA), the Alabama Gulf Coast High Intensity Drug Trafficking Area (HIDTA), and the Huntsville Police Department.

(RESOLUTION NO. 23-759)

Resolution authorizing the City Clerk to invoke First Jackson Bank Letter of Credit No. 22107, for Guffey Properties Subdivision.

(RESOLUTION NO. 23-760)

Resolution authorizing the City Attorney to settle the claim of Tanya Truett (Claim FY22-067).

(RESOLUTION NO. 23-761)

President Meredith stated the Council would at this time consider the items that had been held from the consolidation.

**ITEMS NOT CONSOLIDATED:**

Councilmember Robinson read and introduced Resolution No. 23-720, to

amend guidelines for Council Improvement Fund allocations.

Councilmember Robinson moved for approval of the above resolution, which motion was seconded by Councilmember Little.

President Meredith asked if there was any discussion.

Councilmember Robinson stated that this resolution had come from discussions in the Finance Committee. She stated that the previous year, the Council had approved moving \$375,000 from the 1990 Capital Plan for use by Council members, \$75,000 each, following approval by a majority vote of the Council. She stated that since that time, it had been recommended by the Finance Department, and also the Legal Department, that there may be some concerns and a need for some modifications to the guidelines under which this fund operated.

Councilmember Robinson stated that it had become onerous for the Finance staff to approve very small amounts that had been allocated from this fund, and \$10,000 would be a minimum amount that would make it easier for the Finance staff to operate. She continued that, in addition, since these funds came from the 1990 Capital Plan, they could only be used for capital expenses, and a number of the allocations had not been for capital expenses, that they had gone to outside agencies and were not for capital expenses at all, and to benefit agencies that had not been vetted according to the grants process that had been set up. She stated this would provide that funds from this could be carried over within the 1990 Capital Plan for the following year, and they had had nothing codified to make that possible.

Councilmember Robinson stated that the Finance Committee had made a recommendation that these guidelines be set up for the funds.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he had looked at this situation, and he thought the bottom line was they wanted to do what they had to do and get the decision right.

He stated he thought there was a valid issue about the capital funding, but at the same time, everybody's appropriation had been scrutinized by the Council as being in the public interest or something that dealt with the aims and goals of City government. He stated it might be that they just needed to get into something like some sort of a fund transfer if a Council member had something that did not qualify for capital. He stated if that money was supposed to be used for capital, then they would use it for capital, period, but if there was something a Council member wanted to do along the lines that everybody had scrutinized and saw as being a good thing, they could simply do a transfer of that funding, coming out of the General Fund instead of out of the Capital Fund. He stated he thought that was a way something could be worked out.

Councilmember Kling stated that instead of \$10,000, he would suggest they could drop it to \$5,000, which would be a compromise between the \$2,500 they had at this time and the \$10,000 that was being proposed. He stated that would give some leeway, but at the same time, it would keep the Finance Department from having to do too many of these things. He continued that when they did these, it was a contract, it was an agreement, that they did not just give somebody the funding, that they had to do it under contract with the City. He stated he thought this was something that could be worked out.

Councilmember Kling stated that, also, he thought everybody had had good judgment as far as agencies this could be used for. He continued that the full Council had to approve everything, so if somebody had something that was for something that was not really appropriate, the other Council members would catch it. He stated they could do this and do it right, and he thought the function would still continue. He stated if they needed to, they could postpone this and act on it at the next Council meeting, noting that would still be before the new fiscal year would begin.



President Meredith stated he had a unique situation, noting that the other Council members had spent their money.

Councilmember Little stated he had not spent his.

President Meredith stated he and Councilmember Little had outstanding balances, but the other Council members had spent their money. He stated he thought it was inappropriate and unfair to restrict the balance of their funds by this new guideline. He stated that was No. 1, and he stated if this happened, he thought their first-year allocations should be treated in the same way the others were treated during this first year.

President Meredith stated he believed the \$10,000 figure was way too high. He stated he was certainly comfortable with the \$2,500 as a minimum allocation, but he was open to raising the limit to \$5,000, but he would note that the City made payments all the time that were less than \$2,500. He continued that perhaps they were not contracts, but those payments were made, so it was kind of unfair to single out Council Improvement Funds for different treatment. He stated that in FY 23, there were four allocations of \$2,500 and one for \$3,500, and it would be a shame to unnecessarily reduce the number of worthy causes that any member could support simply to satisfy an arbitrary raising of the minimum threshold.

President Meredith stated that limiting Council Improvement Funds to support only capital expenses for municipal projects was, in his opinion, arbitrary and capricious, that it would exclude a myriad of well-deserving nonprofits, Huntsville City Schools with unique needs, and even City departments, from a vital source of funding. He stated that in the prior year, there was \$191,500 distributed among eight nonprofits and community organizations, five City of Huntsville departments, a high school within the HCS system, and one additional entity that had received funding under this. He stated that by limiting this to capital improvement projects, none of

these entities would be eligible for funding. He continued that he doubted there was any way anyone could convince him that those entities were undeserving of financial support provided by the Council Improvement Funds, that after all, this was exactly what this fund was set up to do. He continued that all but two of these allocations had been made by someone other than himself, out of that more than \$191,000. He stated that, in addition, removing the element of discretion among Council members to support districts specific, unfulfilled through any other funding stream, which was arguably the underlying basis for the funds in the first place, would defeat the intended use of those authorized funds. He stated that the premise that Council members were the best source of knowledge regarding what district needs needed to be augmented in order to increase the quality of life for those who placed their faith in them to uncompromisingly represent their interests was more valid at this time than ever before.

President Meredith stated that if a Councilmember wanted to spend their funds exclusively for Capital expenses on municipal projects, that was great, but it did not need to constitute the need for all of the Council members to do the same thing. He continued that he would further argue that all municipal projects requiring an outlay of capital funds were already fully funded, mitigating the need for additional funds from these accounts. He continued that there were examples when Council Improvement Funds could be used to augment a municipal project, but that was the limit of this exercise. He stated there already existed two distinct layers of scrutiny regarding the outlay of these funds, that first was a very rigorous criteria set up by the Finance Department, and then any Councilmember desiring to fund a district specific need required the majority of the entire Council to be authorized, so there was absolutely no need to arbitrarily constrict allocations beyond the point that currently existed. He continued that, in fact, the third "Whereas" actually qualitatively

applauded the success of the current guidelines, and he would quote: "Whereas, the districts represented by the individual Council members have benefitted from Council Improvement Funds expended in their district, and such expenditures have constituted a valuable tool for Council members to address unbudgeted needs for their respective districts, thereby increasing the quality of life of their individual constituencies."

President Meredith said, "If it is not broken, don't fix it."

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he believed President Meredith had not understood what he had said. He stated he was saying that anything in the current fiscal year, or the money that was in a Council member's current fiscal year appropriation, could still go under the \$2500 unit. He continued that, also, what he was saying, noting that this was just to be sure they were doing everything right, for the bond rating agencies, for the public, or whatever, was that if President Meredith or himself, in the following year, wanted to spend money that would not qualify for capital, that instead of that coming out of the 1990 Capital Plan, it would come out of the current General Fund, which could be used appropriately. He stated he was not cutting President Meredith's legs out from under him, that he was just kind of getting the horse before the cart, so to speak, to make sure of the funding source in City Government, of the budget that would come out of. He stated they would still bring these items up, and they would be approved by the Council, to give money to "XYZ" organization, and everything would be good.

Councilmember Kling stated he thought his suggestions would make this easier, but it would still give some flexibility. He stated that Council members could do what they wanted, and bring it before the Council to be approved, that it was just whether it would come out of Capital or out of Operating, that they would be in

compliance with the bond rating agencies, or the public rules they had to follow.

President Meredith stated he would absolutely support that, that that would be wonderful.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated she would certainly accept an amendment of \$5,000 as the limit, that she thought that would at least cut in half the work the Finance Department had to do. She stated as far as the Finance Department dealing with expenditures much less than that, they did do that, but it did not require the kind of resolution this did, that the Legal Department and the Finance Department both got involved in.

Councilmember Robinson stated she still had a concern about noncapital expenditures coming out of the Capital budget. She stated that when President Meredith had initially approached her about this, they had talked about this being used for capital, and that was his main concern, that it be used for capital needs.

President Meredith stated he would have to interrupt to say "Absolutely not." He stated that until Councilmember Robinson could show him a tape of his saying that, he was going to say "Absolutely not," because this was not about capital projects, that, frankly, it was about supporting nonprofits that were identified within their districts, and other things within their districts, in order to fund them, because they were not being funded by the outside agencies' breakdown they had. He stated that Councilmember Keith had given money to R. Fathers M.A.D. He continued that that organization was never going to get an outside agency funding from the Finance Department, and not to pick on the Finance Department, but there was a pecking order, that they did not compete with the Museum, that they did not compete with Arts Huntsville, that these folks were doing God's work, and they were not getting

funded. He continued that that was the population that he thought could be best served by Council Improvement Funds.

Councilmember Robinson asked why it was taken out of the Capital fund.

President Meredith stated it was because the Administration had said to put it in the Capital fund, that it was not his suggestion to put it in the Capital fund, that he would have much preferred putting it in the General Fund, as he thought they were going to wind up doing. He stated it was not him who decided they were going to put it in the Capital Fund, that that had not come out of his mouth, that he did not ask for it to be put in the 1990 Capital Plan.

Councilmember Robinson stated the fact was that that was where it was.

Councilmember Keith asked to be recognized.

Councilmember Keith stated he believed he could give some closure to this, if the Council members did not recall this. He stated he had proposed they put it in the Capital fund, and he had also proposed they start it at \$5,000, and the other Council members decided it would be \$2,500. He stated he had first seen that he would be someone who would use it, as he was doing at this meeting, as in other settings, specifically for capital, or agencies that were correlated to Mr. Hamilton. He stated he had a relationship with Mr. Hamilton, so he had seen the value to that, and the Council members had agreed.

Councilmember Keith stated he had no problem moving it to the General Fund, or inside of Council funds, but he had originally proposed it because of things he was thinking of at the time. He stated it was important to state, concerning the Council Improvement Funds, that every one of them was voted on and scrutinized. He stated there had been things he did not know he was going to vote for until the time came, that there was an organization he supported that was not even in his district, but another Council member had said it was a great organization, to get it

done.

Councilmember Keith stated where he thought he was going in the year did not end up where he was, and the value of not stipulating them was always that the Council could approve them or not approve them. He stated there was one they were all aware he did not bring because all of the members had said it was not an organization they could agree with. He asked that they be completely honest. He stated that to imply, which it felt like this was an inference of him, that he was not going through the scrutiny and the process that was correlated to the standards they had set inside Finance, as well as the standards he knew each of them had for the threshold of consideration, was not true, that the majority of his funds had gone to improve opportunities in his district and organizations that he knew all of them believed to have done great good for the city.

Councilmember Keith stated that although he disagreed on this, he believed the threshold should be higher, and he would have agreed to a 4/1 consideration, so that nothing could be passed without a 4/1, but to imply that it was only in capital funds, that the reason it was with Mr. Hamilton was because it was at the time his saying that the majority of them had capital plans. He stated that it had played out that way with him, and specifically with others, it did not. He continued that if they chose to put it in another place, that would be fine, that what he thought was important was the value between both perspectives, that they really did not know what was going to pop up, that they all had different needs in their districts, and, secondarily, there were standards they should agree to, and never lower.

President Meredith stated he was comfortable with moving the level, that he was comfortable with where it was, but he would certainly support \$5,000 as the limit. He stated he would eat crow, here publicly, about the Administration saying to put it in the 1990 Capital budget, that he knew he did not do it.

Councilmember Keith stated he would take accountability for that. He stated he thought this amendment could be passed, as amended, but he would say they would be working against the antithesis of this, in a sense, if they passed it as stated, because, again, good things had come from this that he had not expected, even though the majority of the money that was spent was at the standard they had set it. He continued that for anybody who disagreed, he would listen to each one of their standards if he believed a nonprofit would not get five votes. He stated the worst thing to do would be to tell a nonprofit he could do something for them, and then at the end of the day, he could not.

President Meredith stated he would be happy to work with Councilmember Robinson over the next two weeks to iron out an amendment they could both live with that would take care of this. He stated that he thought Councilmember Kling was dead-on in some of his comments. He continued that he would love to work with Councilmember Robinson on ironing this out so they could get this done at the next regular Council meeting.

Councilmember Robinson stated they could do that, but she would like to ask a question of Mr. Riley. She asked if the Council could use Capital Improvement Funds for noncapital expenses, legally.

Mr. Riley stated he had not done a full research of that, but he thought the Council could designate where funds would go.

Mr. Hamilton stated the Council Improvement Funds were established by a City Council approved ordinance, and their ability to amend that or to make transfers from that existed, with that authority just with the Council, and it happened ever so often. He stated that part of the way the City had dealt with the impacts of the recession in 2008 and 2009 was that the City Council had made the decision to transfer funds for multiple years out of the Capital Plan back to the General Fund, to

balance it. He stated they did not like that, that it caused them to spend money on things that was obviously not originally intended, but that was a decision, and the judgment to make that call rested with the City Council.

Mr. Hamilton stated that when President Meredith brought his expenditure that was going to a noncapital item, when the Council had approved that, what they had approved was a transfer of those funds from the Capital Plan to the General Fund. He stated, concerning the one Councilmember Keith had on the agenda that the Council had just approved, \$5,000 of that was going to Parks & Rec for operational needs, so what would happen would be that that \$5,000 would be transferred from the Capital Plan into the General Fund Operating Budget, to be expended in the General Fund. He stated the other part of Councilmember Keith's resolution designated funds to a capital project, so it would stay inside the Capital Plan to do that.

Mr. Hamilton stated one thing that was important as the Council discussed and contemplated where they might budget this money was that the 1990 Capital Plan they were proposing this month had the Council Improvement Funds funded inside that plan, just as in the prior year. He stated that, obviously, if there was a desire to instead fund that out of the General Fund, they would need to amend those things, and that would be part of the budget process they would go through over the next few weeks.

Mr. Hamilton stated there was an important technical reason why this had been recommended, and what he and Councilmember Keith had spoken about the prior year, as to why it ended up in the Capital Plan. He stated that, obviously, what the Council had done was to amend the Capital Plan on the night of approval to make that adjustment, but they had specifically indicated they wanted any unused funds, at the end of the fiscal year, to carry forward into the next year. He stated that the



General Fund did not carry forward, that, for example, President Meredith had pointed out that he still had funds at this time, and he stated that unless he spent all those at the next Council meeting, whatever he had left would carry forward, and that would still be in his account, along with the new funding, if the Council approved it, for FY 24. He stated if the Council wanted to continue with the structure where unused funds carried forward, then, based on the City's financial management policies, it needed to stay in the Capital Plan.

Mr. Hamilton stated that as the manager of that particular fund, he would love to have that money to spend on other things, but that was the Council's decision, and for FY 23, they had decided to set aside that money instead of the way they had originally proposed, for the uses they had described.

President Meredith stated he appreciated Mr. Hamilton's comments, and he stated they would sit down and talk this out.

Councilmember Robinson stated she would be happy to meet with President Meredith, again, to increase the minimum requirements, to have some clarity about how this worked within the Capital Fund, and to also set up the process by which it could be carried over to another year, to accumulate.

Councilmember Robinson moved to postpone consideration of Resolution No. 23-720 until the September 28, 2023, Regular Council Meeting, which motion was seconded by Councilmember Keith and was unanimously approved.

President Meredith read and introduced a resolution authorizing the Mayor to enter into a Development Agreement between the City of Huntsville and Parkway Vesta, LLC, for Stadium Commons Mixed-Use Development adjacent to Joe Davis Stadium, as follows:

(RESOLUTION NO. 23-722)

President Meredith moved for approval of the foregoing resolution, which

motion was seconded by Councilmember Robinson.

President Meredith recognized Mr. Shane Davis, Director of Urban and Economic Development.

(Mr. Davis made a PowerPoint presentation.)

Mr. Davis stated this was an economic development project with Parkway Vesta, LLC, for what they referred to as "Stadium Commons."

Mr. Davis displayed a slide, and he stated he wanted to show the overall plan and location of this development. He stated what was displayed was an overlay of the John Hunt Park Master Plan, along Memorial Parkway, and the area in red was existing light industry, commercial property along the Parkway. He stated it was about 18 acres that would be redeveloped if the Council approved this resolution.

Mr. Davis displayed another slide, and he stated this was an aerial photograph that showed it better, that it showed the location of the former Hollywood 18 and some older office space that was referred to as "Century Plaza." He stated they could see that it was adjacent to the remarkable job of the redevelopment of the new Joe Davis Stadium, which had been super successful, and also the improvements that were happening in John Hunt Park. He stated that these had brought the opportunity for this redevelopment along the Parkway, that it was the activities that were occurring due to the City's investment that was bringing this project investment forward.

Mr. Davis displayed another slide, and he stated this was a layout of this project. He stated this plan would commit 100 hotel rooms, 70,000 square feet of retail, 25,000 square feet of office, a minimum of 408 spaces in a structured parking garage, and a multifamily project, which was shown in yellow, of 200 units.

Mr. Davis displayed another slide, and he stated he was zooming in on the part that actually pertained to the City in this development agreement. He stated what

they had wanted to do was to create a public-private partnership in a parking facility, in terms of a parking lease. He stated that should the Council approve this development agreement, they would come back before the Council to fully execute this parking lease. He stated this laid out the requirement of the developer to not only build the parking garage but build all the retail, the hospitality, the office piece, and the multifamily piece. He stated the City's lease for this parking garage would be for 300 of the 400-plus spaces to be built, so the City would have exclusive rights and control of those 300 spaces for the payment of the lease. He continued that the lease would be for 25 years, and the lease payment would average about \$1 million per year, and it was a 10-year period, and the City would make the first payment in Year 1. He continued that what they had typically done was once footings and foundations had been poured, to make that first payment, and then upon a CO, or the garage being done, so that the City would get access and be able to start using those spaces, to make payment No. 2. He stated that whatever the anniversary date of the CO, of getting to use the spaces, they would make payment on the anniversary date, on the remaining payments.

Mr. Davis stated he had sat down with Mr. Hamilton, Parks & Rec, and the Sports Commission, and he displayed another slide, and he stated they could see the Festival area, in blue, noting that that was a little hard to see in the Council Chambers. He also pointed out the new soccer stadium, the renovated Joe Davis Stadium, and he noted there was a lot of surface parking there, but with the Festival grounds, and the continued expansion of the soccer complex, and the different sporting events, and the additional sheet of ice that was coming, they had seen the need to be able to curate John Hunt Park, especially for festivals and other sporting events, to where they could direct people to park in certain areas during certain events, for instance, this parking garage, if they had a large festival or a large college

event that would require a lot of handicapped parking, or special event parking, or to move employees to make available closer parking to a stadium or a festival area.

Mr. Davis displayed another slide, and he stated that they could see the patch of dirt there adjacent to Joe Davis Stadium, and he stated the master plan for the stadium was to see hospitality development along that side of Joe Davis Stadium, and, naturally, there would also be a parking demand for that. He continued that this provided the opportunity for the City to very economically secure 300 spaces without having to build their own parking garage and having the maintenance and operation cost for that. He stated that very simply, just as they had done in other locations, they were going to purchase rights for 25-plus years to have exclusive use of those spaces, and no maintenance or overhead for those spaces. He stated they had the right to charge for those spaces, per their ordinance, at \$56 per month, or if it was an event, to assign what the value would be for that event, to charge for that parking. He stated that, certainly, on non-events, it might be free, just like many of their parking garages, to support the retail. He stated it had a lot of flexibility there.

Mr. Davis displayed another slide, and he stated he wanted to show them the Return on Investment. He stated this showed a 10-year plan, even though it said 12 years, because the first two years was what it took to get the project built, stabilized, and opened, so Year 3 would be the first true full year of taxes.

Mr. Davis stated that the 10-year tax return was a little over \$19 million, and construction taxes on the development were just under \$1.5 million. He continued that they could see the property taxes on the new investment. He stated they required a minimum of a \$145 million capital investment from the developer. He stated that was a significant project of investment for a mixed-use development of this size.

Mr. Davis stated the cumulative 10-year taxes generated was \$32,474,515, and after the lease was paid, the net positive new cash flow from this development would

be just under \$22 million. He stated that for the full return on investment, the City would get back the full 25-year lease in 4.5 years. He stated that between Year 4 and Year 5, they could see the cumulative build, from 8.4 to 11.4, and somewhere in between those two years, they would have recovered that \$10.5 million. He continued that he thought the more important thing to look at was if they started comparing the green and the yellow bars, when the project would become cash-flow positive, noting that what he meant by that was the revenue coming in would be exceeding the annual lease payment, and he stated that was in Year 2. He stated they felt like they had cut a good deal, No. 1, to secure the development along the Parkway, and to secure those 300 spaces for the use of the public.

Mr. Davis stated he would answer any questions the Council members might have.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he was assuming the City was protected if there was some structural, foundational, or whatever issue might come up in the construction of the parking garage. He asked if it was correct that their price was protected.

Mr. Davis replied in the affirmative, noting that the City was leasing 300 spaces once they were completed. He continued that if the parking garage cost \$10 or \$100 million, their cost would be the same, that they would still get access to those 300 spaces. He stated he thought another beauty was the operation, maintenance, and insurance. He stated that if a natural disaster were to take the parking deck out in Year 2, there was a requirement to rebuild that, to secure the City's lease, or to reimburse their lease payments. He continued that they would not have that exposure of maybe putting in a \$20-million deck, and if something were to happen to that deck, from a casualty standpoint, then having to try to reconstruct it. He stated

the City was simply leasing spaces, much like they had done in some other areas.

Councilmember Kling stated that rather than the City having to pay out money, like they were doing with this, why they did not use tax abatements, somehow negotiated. He stated it seemed like that would have helped both sides.

Mr. Davis stated they had to have a legal instrument to have a right to those spaces, so they must make a monetary payment of rent to have a true, legal association, or affiliation, of right of the exclusive use of those spaces. He stated that a tax abatement, for instance, would just be a constitutional amendment to abate taxes, and they could not trade that for some value.

President Meredith recognized Councilmember Keith.

Councilmember Keith asked what the zoning was on this and what part of the parcel did the City actually own.

Mr. Davis displayed another slide, and he stated that everything they could see in red was what they liked to refer to, whether it was North Huntsville, South Huntsville, or Central City like this, as "Parkway frontage," and that was privately held. He stated that what the City owned was what they could see as the Rec area, the green grass, and, certainly, Joe Davis Stadium and the parking. He stated there were different depths of frontage along the Parkway service roads, and those were all privately held. He stated it was a little hard to see, but the City owned the parcel he was indicating, and they had been working on a hotel project, to be able to leverage this to get this property developed, because it was so interior to the Parkway. He stated this outparcel was where the old Joe Davis signs were when the Huntsville Stars were there. He stated that with the reconfiguration of the road, it had actually created about a 1.5-acre parcel that the City would sell, and put that revenue back into John Hunt Park, to continue building out that master plan. He stated this (indicating) would be more of a land lease, the dirt area, that they would have a lease

payment. He stated that, certainly, they would not sell portions of Joe Davis Stadium, or something adjacent to it, and not have the fee simple title they already had.

Councilmember Keith asked if the reason the City did not put a garage on this dirt was that the frontage would have more value as a long-term lease for commercial use.

Mr. Davis stated that it was that, and, also, if they took the cost of parking, and knowing that the developer was going to have a single podium in the development. He stated there were more spaces in this garage than the City was leasing. He continued that they had taken the opportunity when the project came before them to ask what if they got a long-term lease, and instead of this being a single podium, to make it four or five levels, instead of the developer having a single-podium deck, and the City then building their own deck, and they could then use that for something else in the park.

Councilmember Keith asked if it was correct that the reason this might be difficult in other locations, if they just talked garage, was they would need the right developer, and, particularly, a number of people already committed.

Mr. Davis stated he thought it was on location, noting that for this site and the development that was going on it, it would be almost impossible to surface park, and that was why they needed a garage. He stated that if they did not have Joe Davis Stadium there or John Hunt Park, and that project came in, the developer would say they wanted to do it and ask if the City could guarantee there were utilities to the site, which he noted that by ordinance the City would have to provide, whether it would be a single-family residential lot or a commercial development. He stated that in that case, they would probably get this permitted up, and it would never come before the City Council, because there would not be a need for the City to have parking in that

location. He stated that with this one being adjacent to a very large public facility, with a ton of different uses, which would only continue to grow, this had allowed them the opportunity to secure spaces, much like the downtown area, where every time they added density or added more events, parking became a challenge, so they took every opportunity to try to grab parking when they could, and that was simply what they had done in this case.

Councilmember Keith stated he was asking these questions because when the City announced things like this, the argument was that this was on the other end of town. He stated he was aware of the complexities of it, and his question was with even a five-year payback, they were not just building garages for developers because they wanted it, but there was a mutual success and opportunity for the location.

Mr. Davis stated they were not building that parking garage, that they had taken the opportunity with something the developer was going to build and asked if they would make it larger, telling the developer the City would lease the expanded space of the garage, so they could use it for public land, i.e., Joe Davis Stadium and John Hunt Park. He stated that was the City's only involvement in this project.

President Meredith asked if the multifamily for this project was town homes, apartments, or what.

Mr. Davis stated they were loft-style rental units. He stated he had failed to mention that this was a three-phase project, and that the multifamily would be the last phase, so depending on market, there was the opportunity for that to change; more hospitality, more office.

Mr. Davis displayed another slide, and he stated the first phase of the project would focus on the parking garage, and a portion of the retail, and Phase 2 would be the hotel, and some of the frontage, and then there would be some new office space and renovating some of the existing Century Plaza, and then the yellow, the



multifamily, would be the last phase. He stated that what the City had asked to be guaranteed was what they needed the most, the sales tax from the retail; and the hospitality, for tournaments; and then the office space.

President Meredith asked if there was any further discussion.

President Meredith called for the vote on Resolution No. 23-722, and it was unanimously adopted.

Councilmember Keith read and introduced a resolution authorizing the Mayor to enter into a Fixed-Price Agreement between the City of Huntsville, Alabama and Nola | Van Peursem Architects, PC, for Architectural Services for the new Outdoor Roller-Skating Rink at Stoner Park, as follows:

(RESOLUTION NO. 23-733)

Councilmember Keith moved for approval of the foregoing resolution, which motion was seconded by Councilmember Robinson.

President Meredith recognized Mr. Hamilton.

Mr. Hamilton stated what was before the Council was the design contract for an addition to Stoner Park, an outdoor roller rink. He continued that they were also looking at some additional improvements to the parking and things right around it. He stated they were excited about this project, that there was a large and growing constituency around this particular recreational activity, and, also, the nature of the facility gave it flexibility, so it could also be used for roller hockey and other things such as that. He stated they expected the primary use to be the roller rink style skating, as compared to the skate park they had just opened in John Hunt Park, which was mostly skateboards. He stated that this would be an outdoor version of the skating rink they had all grown up in.

Mr. Hamilton stated he wanted to take a moment to reflect on this as an example of something they were trying to do more broadly in their overall Capital

Investment strategy in their park facilities. He stated they had all seen over the last 8 to 10 years significant investment in recreational facilities around the community, and he stated that most of that he would call "growth," that it was new infrastructure, dealing with new sports, new activities, and a much bigger population. He stated they were working on a rec center out on Martin Road, and that was a new capacity, and the rec center they were doing over in Hampton Cove area, a new capacity, and much of what they were doing in John Hunt was new capacity. He continued that they also needed to remember that they had some existing parks, and in many cases, they were decades old and very much in need of refurbishment.

Mr. Hamilton stated that when they looked at those, such as in this case looking at Stoner Park, and where they were in the middle of executing renovations and additions at Crawford Park, and they were also in the process of starting to set the scope for the same kind of thing at McGucken Park down south, and there would be more to come. He stated that when they came into a district and were looking at an existing park and assessing the need, they were looking at two primary things, No.1, of the existing facilities, if there was still a demand for that, and what it needed to be refreshed and sustained, to extend its life; and, No. 2, if there were new activities, new demands, that needed to be added to that park. He stated that pickleball was probably the biggest example of that, and basically for every park, they were looking at whether there was enough room to add a couple of pickleball courts.

Mr. Hamilton stated this was an example where Stoner Park was a great park, and it had existing facilities that were very much still in demand, so over the coming years, they needed to invest in them and renovate them. He stated this was also an example where that new demand, new activity, needed to be added. He stated that over time, they would see the City continue to make investments in Stoner Park, that there would be multiple phases of doing that, over several years, and they wanted the

first thing to be to come in and add this particular piece of infrastructure and get that activity going in the community.

Mr. Hamilton stated that, again, this was the design contract. He stated that Councilmember Keith had contributed a portion of his Council Improvement Funds to help pay for this particular design contract.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated that John Hunt Park was Central Park to everybody, and the things that they added in different parts of the community were not for just those parts of the community. He stated that his hat was off to Mr. Hamilton and Mr. Wilkinson for this project, and he stated everyone was looking forward to cutting the ribbon on this project.

Councilmember Keith stated that as they went through this process, he knew that sometimes they handed these projects off, and people would show back up with sketches, and he asked how they planned to manage the involvement, noting that, obviously, they were very intentional in their presentation in the first round.

Mr. Hamilton stated that Councilmember Keith had hosted a town hall that had given them the opportunity to hear presentations and detailed input on the concept from the user groups from the Association. He stated they had used their input to initiate that conversation with the design team. He stated that in order for them to bring a design contract before the Council, they needed the design team to wrap their minds around the basic concept so they could put together some rough estimates because that would become the basis of the \$143,000 contract, so they had to put some numbers to it. He stated they used that initial input for them to develop the basis concept, which facilitated them bringing this before the Council. He stated that with the Council's approval of this resolution, Nola | Van Peurse Architects would begin moving forward with taking that concept and refining it somewhat. He

stated that every one of their design projects had 30 percent, 60 percent, 90 percent, and a 100 percent review process, and as those got scheduled, at the appropriate time, they would bring in representatives from user groups to review this with them and give them input on it, ask the architect great questions that would inform those kinds of things.

Mr. Hamilton stated that, obviously, they were going to work with Councilmember Keith because he had direct contact with those folks, and they would want to get some good representatives who could come in and give them feedback on the direction of the design. He stated they would work with Councilmember Keith to make sure the schedule was known and they would have the right representatives in the room.

Councilmember Keith thanked Mr. Hamilton, and he stated everyone was certainly looking forward to cutting the ribbon and skating.

President Meredith called for the vote on Resolution No. 23-733, and it was unanimously adopted.

Councilmember Robinson read and introduced a resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Blue Cross and Blue Shield of Alabama, for third-party administrative services on the City's group health plan, as follows:

(RESOLUTION NO. 23-747)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by Councilmember Little.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he believed everyone was aware there was projected to be an increase in premiums for the employees, and, at the same time, they had been getting emails about COLAs, how much the COLA was and whether it

was enough. He stated the City was already subsidizing the Blue Cross premiums, to the tune of about 85 or 86 percent. He stated that rather than getting into a situation where employees were getting one type of COLA, and then they would have to turn around and pay extra for their premium, he thought it might be a little bit cleaner if maybe the COLA got reduced by a quarter of a point, or something like that, whatever it would take to make sure that every single City employee, whether they got a step increase or not, would see their health insurance premiums remain the same. He stated that most, but not all, City employees would be getting a step increase, but everyone would be getting a COLA, and in this way, at least there would be a little bit of fairness, a little bit of a shell game with the same amount of money.

Councilmember Kling stated they had time before the beginning of the fiscal year that this could be reworked if the Council was so inclined.

President Meredith stated that Councilmember Kling had said a majority of the employees would be getting a step increase, and he asked what percentage of employees would not be getting a step increase.

Councilmember Kling stated that Human Resources would know that answer better than he would, but it was not everyone.

President Meredith recognized Mr. Byron Thomas, Director of Human Resources.

Mr. Thomas stated he did not have the exact percentage as to how many, but he knew that for a majority of the employees, when they had gone to the new salary schedule, they had moved them to steps where they would be getting step increases. He stated they did have some employees who had topped out. He stated they had made the previous adjustments because of the need for retention, to make sure they kept their employees in place, as they were competing against other companies. He stated a large percentage of the employees were getting step increases, along with the

proposed COLA.

President Meredith asked if it was correct that the ones who were not getting step increases had already topped out.

Mr. Thomas replied in the affirmative.

Mayor Battle stated he would remind the Council that this resolution was for the management of the City's group health plan, that it did not have to do with increases, increasing amounts they were going to have on the payroll. He stated this was a separate argument. He stated they could get the Council the numbers on what the average increase was, according to insurance, noting that it was a very much smaller number than the number of the average increase in payroll. He stated they could get that to the Council, and it could be part of their budget discussion.

President Meredith stated he believed that would be highly acceptable.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson asked if Mayor Battle was saying that by approving the resolution on the floor, it would not limit the Council from doing what Councilmember Kling had suggested, or some version thereof.

Mayor Battle stated that was correct.

President Meredith called for the vote on Resolution No. 23-747, and it was unanimously adopted.

Councilmember Robinson read and introduced a resolution authorizing the Mayor to submit a grant application on behalf of the City of Huntsville, for the Pedestrian Access and Redevelopment Corridor (PARC), Multimodal Corridor Systems Bridges Construction, as follows:

(RESOLUTION NO. 23-769)

Councilmember Robinson moved for approval of the foregoing resolution, which motion was seconded by President Meredith.

President Meredith recognized Mr. Davis.

Mr. Davis stated he believed they were very familiar with the PARC project that connected downtown to the Mill Creek project, and then into Lowe Mill. He stated they were successful in receiving a \$20 million BUILD grant, and Engineering was managing getting the plans together. He stated there were new federal grant opportunities that would allow them to take the funds they had received but also apply for additional funds for the same project, and they would like to do that, noting that this would lessen their Capital Plan cash to finish building this project once they started, sometime in late 2024. He stated that this was just an opportunity to get more federal funds and finish the project with less City funds, so they would like to make these grant applications.

Councilmember Robinson stated she wanted to clarify this was the whole flood mitigation project.

Mr. Davis stated that was correct.

Councilmember Robinson stated that everyone tended to go to the bridge, but that was 20 percent of the project, and this would be the whole thing.

Mr. Davis stated that one of the reasons the word "bridges" was in the resolution was one of the grants they wanted to go forward was a Reconnecting Community grant, which was typically a bridge separating a highway, and they thought they could be very competitive on that. He stated that would be one of a couple they would apply for.

Councilmember Kling stated that with all the apartments that were being constructed and now that they were hearing they were overbuilt with apartments, if the Housing Authority still needed to build the project they were going to build in this neighborhood.

Mr. Davis stated that they absolutely did, 100 percent. He stated they were not

overbuilt with multifamily, and the Mill Creek Project was a totally different business model. He stated there would be a presentation to the Council on this very soon, that he thought the Housing Authority at this time had the plan comfortable enough that they wanted to move forward on it. He stated that after they got through with the budget, they would make a public presentation to the Council. He stated this was a transformational project, not only for the community, noting that they talked about affordability, and they talked about how they had all these multifamily units. He stated he had just talked to a Leadership class earlier in the day, and one of the questions was what they were going to do, that they loved the multifamily. He stated that most of these people were very young, and they were living in multifamily, and they were asking how they could get an apartment for less than \$1500 or \$1700 a month, and he stated that Mill Creek was exactly that solution.

Mr. Davis asked Councilmember Kling to let them get the project in front of the Council so he could see it.

Councilmember Kling stated that the Lowe Mill neighborhood had certainly had a history, with rescue missions, high crime, drug dealing, and other things that were not too pleasant, that had taken place in the past, and, certainly, there had been a lot of progress in recent years. He stated he had talked with the neighborhood association there to get their input. He stated he thought the bridge was somewhat of a mixed blessing, so to speak, but given the history they had in the past of bad things in the neighborhood, they saw this as being a good amenity, so based on their wishes, he would support it.

President Meredith called for the vote on Resolution No. 23-769, and it was unanimously adopted.

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



President Meredith read and introduced Ordinance No. 23-762, to adopt the City of Huntsville Annual Budget for Fiscal Year 2024 beginning October 1, 2023.

President Meredith read and introduced Ordinance No. 23-763, amending Ordinance No. 89-79, to provide all eligible employees of the City of Huntsville a Cost-of-Living Adjustment (COLA), as reflected in the first pay period in the Fiscal Year 2024 budget, effective October 2, 2023.

President Meredith read and introduced Ordinance No. 23-764, to amend Ordinance No. 89-79, Classification and Salary Plan Ordinance.

President Meredith read and introduced Ordinance No. 23-765, authorizing the Mayor to enter into and execute a First Amended and Restated Franchise Agreement between the City of Huntsville, Alabama and New Hope Telephone Cooperative, Inc.

President Meredith read and introduced Ordinance No. 23-766, annexing 13.20 acres of land lying on the west side of Old Big Cove Road and south of Walter Bird Drive.

President Meredith read and introduced Ordinance No. 23-767, annexing 3.36 acres of land lying on the east side of Wade Road and north of Taylor Lane.

President Meredith read and introduced Ordinance No. 23-768, authorizing the Mayor to establish the Huntsville Sustainability Commission.

President Meredith stated the next item on the agenda was Second Roster Public Comments.

President Meredith stated this portion of the meeting was reserved for persons wishing to address the Council on matters relating to City business, whether or not such items were on the meeting agenda. He stated persons could sign up to speak on the Second Public Comments Roster prior to or during the meeting, and that when called, they should approach a microphone and state their name, home address, and

city of residence. He stated each speaker could address the Council for three minutes, and that speakers shall refrain from entering into a dialogue with Council members or City staff, and from making comments regarding the good name and character of any individual.

Mr. Andre Wilson , addressed the Council, stating that his address was correct on the sign-in sheet, and he was a District 1 resident, having signed up to speak concerning "Update."

Mr. David Mullins, Woodall Lane, addressed the Council, stating that he would be speaking concerning Valley Garden Apartments.

Upon motion, the meeting was adjourned.

---

PRESIDENT OF THE CITY COUNCIL

ATTEST:

---

CITY CLERK

**(Meeting adjourned at 10:10 p.m. on September 14, 2023.)**