

HUNTSVILLE CITY COUNCIL MINUTES
Regular Meeting - December 15, 2022 - 5:30 p.m.
City Council Chambers, Municipal Building
Huntsville, Alabama

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

Rev. Rosie Veal Eby, Church of the Nativity and Huntsville Public Safety Chaplain, led the invocation; Councilmember Robinson led the Pledge of Allegiance.

President Meredith stated it had been requested by the Administration that the Council consider, under New Business Items for Introduction, items 21.a, 21.b, and 21.c at this meeting, which he noted would require unanimous consent of the Council. He stated, also, that under Unfinished Business Items for Action, item 19.b would require four votes for passage.

Councilmember Kling moved for approval of the agenda, as presented, which motion was duly seconded by Councilmember Little and was unanimously approved.

The Minutes of the Regular Meeting of the Council on December 1, 2022, were approved as submitted.

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 amending the City of Huntsville Air Pollution Control Rules and Regulations, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Scott Cardno, Director of Natural Resources.

Mr. Cardno stated the City's Air Pollution Control Rules and Regulations must be updated periodically in order to maintain consistency with federal and state law. He continued that these updates included an update to the definition of Volatile Organic Compounds, in Chapter 1; definition changes in Chapter 3, involving air permits; an increase in the Open Burning Permit Fees and regulations applicable to Commercial and Industrial Solid Waste Incineration, in Chapter 5; and incorporation of amendments to Federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, in Chapters 13 and 14; and updates to the Emission Guideline for Municipal Solid Waste Landfills, in Chapter 18.

Mr. Cardno stated they had received one comment from ADEM regarding these proposed changes to the definitions in Chapter 3, and their response to that comment had been incorporated into the package currently before the Council.

Mr. Cardno stated the adoption of these amendments had been recommended by the Air Pollution Control Board.

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 moved for approval of Ordinance No. 22-886, amending the City of Huntsville Air Pollution Control Rules and Regulations, which

ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-886)

Said motion was duly seconded by Councilmember Kling.

President Meredith asked if there was any discussion.

Councilmember Robinson stated item 19.a on the agenda, under Unfinished Business Items for Action, was also concerning changes to Open Burning. She asked if it was correct that this one was Air Pollution Control, and item 19.a was a Fire Ordinance, and this was just to make the two of these match.

Mr. Cardno stated that was correct, that they had wanted to make sure it was consistent between the two, as these fees were in both places.

President Meredith called for the vote on Ordinance No. 22-886, and it was unanimously adopted.

President Meredith stated it was the time and place in the meeting for a public hearing on the zoning of 1.16 acres of land lying west of Old Big Cove Road and south of Hartford Road to Residence 1-A District, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Thomas Nunez, Manager of Planning Services.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was 1.6 acres of land lying west of Old Big Cove Road and south of Hartford Road that had been recently annexed into the city of Huntsville, and the petitioner was seeking to zone it Residence 1-A District.

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 issue.

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

Councilmember Robinson moved for approval of Ordinance No. 22-888, zoning 1.16 acres of land lying west of Old Big Cove Road and south of Hartford Road to Residence 1-A District, which ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-888)

Said motion was duly seconded by Councilmember Kling and was unanimously adopted.

President Meredith stated it was the time and place in the meeting for a public hearing on the zoning of 5.47 acres of land lying west of Wade Road and east of US Hwy 431 S to Highway Business C-4 District, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was approximately 5.47 acres, and it was located west of Wade Road and east of US Highway 431. He stated the property was recently annexed into the city of Huntsville, and the petitioner was seeking to zone the property Highway Business C-4 District, with a plat restriction that would restrict multifamily development and restrict also as to a minimum of a 20-foot-wide buffer screen to be maintained along the north and west boundaries of the adjacent southern residential property.

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 issue.

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

Councilmember Robinson moved for approval of Ordinance No. 22-890,

zoning 5.47 acres of land lying west of Wade Road and east of US Hwy 431 S to Highway Business C-4 District, which ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-890)

Said motion was duly seconded by Councilmember Kling and was unanimously adopted.

President Meredith stated it was the time and place in the meeting for a public hearing on the rezoning of 16.32 acres of land lying north of Oakwood Avenue and east of Meridian Street from Light Industry District to Residence 2 District, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was located north of Oakwood Avenue and east of Meridian Street, and the current zoning was Light Industry District. He stated that as staff had reviewed Light Industry, this was a particular area they thought would be appropriate to rezone, as there were a significant number of residential uses within this, that single-family homes were also in this area. He stated this was a request to rezone to R-2 District, to allow for further development of single-family residential development within this area. He continued that there were some lots that were extremely large that could not be further subdivided, and no new construction of single-family homes could be developed in this area.

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 issue.

Ms. Joy Johnson, West Arbor Dive, stated perhaps she was totally mistaken, but she had thought Thrive was going to have that property to build on. She asked

where Thrive would be.

Mr. Nunez stated that would be farther west.

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

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

Councilmember Robinson moved for approval of Ordinance No. 22-892, rezoning 16.32 acres of land lying north of Oakwood Avenue and east of Meridian Street from Light Industry District to Residence 2 District, which ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-892)

Said motion was duly seconded by Councilmember Little.

President Meredith asked if there was any discussion.

Councilmember Robinson stated that any time they could get rid of Light Industry where it was next to residential property, it was a good thing. She continued that they had done that a number of places along the Parkway, and it had been helpful to protect those neighborhoods, and even businesses around it. She stated this was always a good change, but she thought particularly in this area. She stated they had members of the Lincoln Village Board and some of the staff in attendance at the meeting, and she had talked with them prior to the meeting, and she believed they were very much in favor of this because it would protect that area and help it to develop.

Councilmember Keith stated he certainly agreed with what Lincoln Village was doing, that it was a blessing to have them working on affordable housing.

Councilmember Keith stated they had done this in other places, and he asked why they had not just done the whole swath. He stated this was his personal opinion, that he was not speaking on behalf of the Council, and he stated there were the sheds

that were up there. He stated he was just saying there were places being built on Meridian Street that he did not think would be in the interest of the people who lived there.

Mr. Nunez stated that would require some extensive groundwork, that they did not just arbitrarily rezone property for the sake of it, that they definitely contacted the property owners and sat down with them and made them aware of the changes and the uses within the area, and the nature of the city's growth. He continued that they were waiting for some additional evaluations from the Meridian Street Corridor Review. He stated this was something they were considering as they slowly made sure they kind of eradicated Light Industry areas, but they did not want to contextually strip away somebody's property rights within that process.

Councilmember Keith stated they were aware there was potential on Meridian Street, and they would wait on this, noting that the property owners would want input as well.

Mr. Nunez stated they had done that in other areas, but it took several months just to coordinate the meetings and the evaluations. He continued that they were looking to see where there could be noncompliances, and that once they were located, that would be a grandfathered use. He stated that as they evaluated markets and evaluated changes and how those changes affected the city overall, they were trying to evaluate and make sure they made the proper adjustments, that they did not want to just make them arbitrarily.

Councilmember Keith asked if there would be a public presentation concerning the findings.

Mr. Nunez stated he believed that was something they could do with the Planning Commission once they had the evaluations.

President Meredith called for the vote on Ordinance No. 22-892, and it was

unanimously adopted.

President Meredith stated it was the time and place in the meeting for a public hearing on the rezoning of 10.47 acres of land lying west of Swancott Road and south of Success Drive from Commercial Industrial Park District to Highway Business C-4 District, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was located west of Swancott Road and south of Success Drive, and the petitioner was seeking to rezone this 10.47-acre tract from Commercial Industrial Park District to Highway Business C-4 District.

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 issue.

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

Councilmember Robinson moved for approval of Ordinance No. 22-894, rezoning 10.47 acres of land lying west of Swancott Road and south of Success Drive from Commercial Industrial Park District to Highway Business C-4 District, which ordinance was introduced at the November 10, 2022, Regular Council Meeting:

(ORDINANCE NO. 22-894)

Said motion was duly seconded by Councilmember Kling and was unanimously adopted.

President Meredith stated it was the time and place in the meeting for a public hearing on the rezoning of 4.33 acres of land lying south of Holmes Avenue and west of Austin Drive from Residence 1-B District to Neighborhood Business C-1 District, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was located south of Holmes Avenue and west of Austin Drive, and the petitioners were seeking to rezone this 4.33-acre tract of land from Residence 1-B District to Neighborhood Business C-1 District, for a collective agreement to construct student housing within this area.

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 issue.

Mr. Ray Allen, 4302 Holmes Avenue, NW, appeared before the Council, stating he was convinced this project had already been approved, for the following reasons: Residents within 500 feet of this property had received a letter from the City three days prior to the developer's meeting held in October; the developer, or a carrier, had placed a flyer with a UAH emblem on it in his mailbox, which he noted violated postal regulations, on the same day the City letter was delivered; the following week, City planners had held a hearing and approved the project, even though a 10-day notice had not been received, and questions or concerns went unanswered, such as resident parking, and also where the entrance/exit would be for the parking area, and what impact it would have on the traffic and their community and the prices of their homes.

Mr. Allen stated this hearing was being held with a lot of their residents being out of town for the Christmas holidays, and he stated that based on the above-stated concerns, he would ask, request, or demand that this hearing on the UAH housing development be postponed until residents could return from their holiday season and voice their concerns on this project.

Mr. Allen stated that Councilmember Kling had recently stated in an interview on TV that the Council members worked for the public, and not the other way around.

Mr. Allen asked if these issues could be just coincidence, and he stated he did not think so. He stated that appearance spoke louder than words, and it appeared this was done on purpose and was being rushed through.

Mr. Allen stated that in closing, he would like to ask the Council members how they would like for this to occur across the street from their homes, under the same circumstances listed above.

Ms. Peggy Klaus, 4307 Horace Drive, appeared before the Council, stating she was a member of the McThornmor Acres Neighborhood Association, and she would like to introduce a few members of their team who were going to speak.

Ms. Klaus stated that Holmes Avenue separated the McThornmor Acres and Green Acres subdivisions, and the subdivisions were east of the UAH campus and west of Jordan Lane. She continued that currently the only commercial properties on this section of Holmes were located near the Holmes Avenue and Jordan Lane intersection. She stated the residents they had spoken with of both of these neighborhoods were opposed to any rezoning to allow additional commercial or retail operations in proximity of the residential homes.

Ms. Klaus stated a significant amount of effort had been expended in the recent past to protect the integrity of the neighborhood in gaining recognition by being admitted to the National Register of Historic Places. She stated the neighborhood was proud of this accomplishment and wanted to ensure that any future enhancements to the area would maintain the existing ambience.

Ms. Klaus stated most of the residents would have fewer concerns if UAH were building and managing the proposed residence hall, provided parking and traffic issues, which they would address, were adequately addressed, in a timely manner, once they were identified. She continued that with the private enterprise building and managing this complex, the residents were concerned with the unknowns and the

potential risk of some long-term ramifications, which the team would discuss as they went through some of the details.

Ms. Klaus stated they had sent out a full presentation to everyone so they would be aware of it, and they were not going to go through all of those details at this time, that they were just going to skim over the highlights.

President Meredith stated the Council members had received the information that had been sent and it was greatly appreciated.

Mr. David Mullins, 913 Woodall Lane, appeared before the Council, stating they might just have a communication problem. He continued that the speeding factor was one that was extremely concerning to his group because, obviously, they would not have moved where they were living, or would not have stayed where they were, if they did not support UAH. He stated they loved the school, and they loved the place, but they also had experience there, and they had something coming in that was a commercial business, a commercial entity. He stated this was their lives, that this was where they lived, this was their hearts, and there were so many inconsistencies with this matter.

Mr. Mullins stated they did not understand why they had a request for the rezoning of 4.33 acres, while the tract was actually 3.76 acres. He inquired about the other half acre. He stated they did not know what that was for, and he asked if it was for parking. He stated the residents had no idea about this because they did not have a copy of an agreement between UAH and Capstone as to the parking, that they had asked for that, but they were yet to get it from UAH. He stated they had also asked for that from Capstone, and they had gotten no answer from them. He stated they had a spillover parking problem already.

Mr. Mullins stated he had gotten his undergraduate degree at UAH a long, long time ago, and that just from his own personal experience, which he noted was

true at this time, one could get a parking permit from UAH, but all that would be would be a parking permit, that there would then need to be ground, or dirt or concrete, to put one's car on. He continued that there was not sufficient parking at this time, that there was a dearth of parking area, and they were looking at adding 600 more people, which he noted would hopefully be students, although they did not know about that because the developer would not commit to the fact that it would mainly be for students. He asked if they rented only 20 percent of it to students, what the other 80 percent would be. He stated they would need to get some income from the building they were building so they would rent it to anyone, and that was a problem for his group.

Mr. Mullins stated they had this thing about they were going to have bicycles or people could walk, but he stated that most people, when they got to be 16 or 17 years old, and noting that students were usually 18 or 19, usually could not wait to get their driver's license, so they were not going to be riding bicycles. He stated they should go out to UAH at this time and see how many bicycles they saw there, noting that he would venture to say there might be 100, out of 11,000 students.

Mr. Mullins stated that a lot of this was smoke and mirrors, about traffic, because his group could not get confirmation on anything. He stated things had come to them on the 21st, and they had gotten together on the 24th, for the meeting on the 25th of October, and they were told then, even though it could not start until March, that if it was not zoned that night, the zoning changed that night, the deal would fall through.

Mr. Mullins stated that just did not make sense, that it did not make sense at all. He continued that they were also told by the City that Holmes Avenue was only 40 percent used, that there would never be a traffic problem. He stated he would guarantee them that the person who did that study had never been to the area of

Holmes Avenue between UAH and Jordan Lane, that perhaps they had been to the other end of Holmes. He continued that between UAH and Jordan Lane, it was busy, particularly where it went from four lanes down to two lanes.

Mr. Mullins stated his group would like several things, that they would like time to discuss several things. He stated that, obviously, this was something that needed to be done, that they all valued progress, and this looked like something that was progressive, but they would like to have UAH students, and they would like to have something firm on parking, rather than just, "Oh, we have agreed on this" or "We might agree on that" or "We may have a deal."

Mr. Mullins stated they had nothing, and it was coming at them so fast that it had kind of put a scare in them that they were losing their homes because someone wanted to build a building, and they had just come up with the idea.

Ms. Donna Dutton, 4300 Richardson Drive, appeared before the Council, stating she was currently the coordinator for their neighborhood association.

Ms. Dutton stated that when they had first learned of this matter, they were a bit surprised, that they had all heard Trinity Presbyterian Church would be selling, and they assumed UAH would buy it, for some purpose. She continued that when they found out a private developer was coming in and it was going to be rezoned Commercial, it had given them pause, for several reasons, and one was if this were rezoned and for some reason, the project would fall through, they would have something that was already rezoned Commercial, which they did not think was desirable for this strip of land. She stated there was plenty of commercial real estate at Holmes and Jordan Lane, and there was University Drive. She stated they did not feel this should encroach any farther into the neighborhood or the university.

Ms. Dutton stated it was their understanding this was to be not just housing but mixed-use as well, and they were not totally sure what the developer had planned

for that mixed-use. She continued that they had spoken with the developer and asked him if for some reason this would fall through, what was Plan B, and the developer had said their Plan B was to not buy the property. She reiterated that it would have been already rezoned, and she asked who would buy the property and what would they put there.

Ms. Dutton stated that, as had been stated, the Association did not have a problem with students, that many of the residents had gotten degrees from the university, or they were employees of the university, that they were Chargers, that they would not have bought a house in this neighborhood if they were not pro UAH. She continued that in the beginning, they were not aware of UAH's position on this matter, that they had spoken with Dr. Karr, and while he maintained adamantly that this was not UAH's project, he had stated they were supportive of it because they currently needed housing, and they had other projects that were going in front of their next housing project.

Ms. Dutton stated her question was how long UAH would need this housing and what would happen to it when it was no longer necessary, when UAH built the new student housing in Executive Plaza and when they remodeled the other dorms. She asked what would become of this since it was private, and she stated it could be anything.

Ms. Dutton stated she did not believe the City could responsibly approve this zoning unless the parking issue was settled. She continued that the last time she had talked with a UAH representative, which was the prior week, it had not been determined. She stated the developers might bring something forward at this time saying that it had been settled, but the last information she had, it had not been. She continued that when they had spoken at the Planning Commission meeting, they had not really determined there was enough space available for the parking that would be

needed.

Ms. Dutton stated they had mentioned building some type of outdoor pavilion, or other amenities to these apartments, and they had concerns about the noise, the lighting, and so forth.

Ms. Dutton stated another major concern was that this was being not only built but also managed by a private developer, and she asked what would happen if they could not fill it with UAH students or staff, who would be allowed to rent there, and where would they park. She continued that UAH had mentioned if they could work out a parking agreement, and they had mentioned a 50-year lease for the spot for a parking lot, but that would not apply to any residents who were not part of the UAH community. She asked if they would have adequate parking for the retail space.

Ms. Dutton stated these were questions they had about that, and they just felt the zoning was risky because they had not seen a plan as to how many units or what type of amenities or other things they would have, and if they could fit all that in a small tract of land.

Ms. Dutton stated their organization had emailed to the Council some restrictions they would like to see if this was approved, for the different types of businesses that could be allowed on the site. She continued that they were hoping the City could find another way to help UAH get the housing it needed without having to go to a private developer. She stated Capstone had built many of these facilities, and they had also built at UAB and UNA. She continued that at UNA, it was UNA financed and UNA managed; and at UAB it was paid for, she guessed, by the City or the State, but, at any rate, it was managed by UAB. She stated one of their concerns was how this would be managed as time went by, and if it were no longer profitable, if it was restricted to students and they could not fill it at capacity, what would become of it.

Ms. Dutton stated they were not opposed to students, that they had students in their neighborhood, that they attended some of their neighborhood association meetings, and one of them had won Yard of the Month. She continued that they were tolerant of their parties, that it had worked out, that it had brought a little life to the neighborhood, that it was a good thing, but they just wanted to make sure they kept the integrity of the neighborhood intact.

President Meredith asked if there was anyone else from the public who would like to speak on this particular issue.

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

Councilmember Robinson moved for approval of Ordinance No. 22-896, rezoning 4.33 acres of land lying south of Holmes Avenue and west of Austin Drive from Residence 1-B District to Neighborhood Business C-1 District, which ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-896)

Said motion was duly seconded by President Meredith.

Councilmember Kling stated he had had contact with the neighborhood association and also with the developer over the last several weeks, and he had been encouraging one to communicate with the other, and that when there was communication, he would try to get the other party copied in so there would be a line of communication.

Councilmember Kling stated that from talking with the Neighborhood Association, he thought the main issue, in a nutshell, had to do with an adequate number of parking spaces somehow being locked in. He stated this was a concern the neighborhood had, and it was a valid concern, because Holmes Avenue did not need to have off-street parking along it. He stated that in that area, there had been problems along Jordan Lane with parking on weekend nights when there were big

parties going on, and also during the weekdays on another street in the western end of that neighborhood.

Councilmember Kling stated he believed they needed to get some things locked in so everyone could be in agreement on this matter. He stated they needed to determine if the number of parking spaces the complex would have would be adequate to ensure there would be enough parking for the residents of the facility and there also needed to be an agreement if the facility was to be for UAH students, or members of the UAH community, faculty, staff, employees of UAH.

Councilmember Kling stated they all knew UAH was growing, so a good apartment complex, especially a more affordable one, compared to regular market rates, should make this something that could be worked out. He stated another concern the neighborhood had mentioned had to do with mixed-use, and he stated he thought it would be reasonable to say they did not really need commercial along Holmes Avenue, that they had commercial on University Drive, which was nearby. He stated if there were an allowance for a small convenience store included in the complex, for things such as laundry detergent, frozen food, et cetera, for the residents, that would certainly be reasonable.

Councilmember Kling stated he believed the whole issue came down to the impact this would have on this neighborhood, and he believed they needed to get certain commitments, things locked down, to have a full-fledged commitment, and possibly even deed restrictions to be put on, to ensure this would be for one use only, and not getting into other areas that would be allowed under the zoning.

Councilmember Kling stated he believed there were some things they really needed to get nailed down to make this work, where it could be compatible between the developer and the neighborhood.

Councilmember Robinson stated this happened often when they went through

rezoning in anticipation of a project moving in somewhere, that the discussion would get skewed to a discussion about the project, whereas this was really about approving a zoning plan. She continued that when the Council approved a zoning plan, they could not put restrictions on the project because it would impact the rights of the seller. She stated that might potentially happen when the plan was introduced, but they had to stay focused at this time on the rezoning that would make the project possible.

Councilmember Robinson stated she was aware that meant the neighborhood organization would not get all the answers they wanted, that they would not get all the answers until they saw the development plan. She stated that, however, she thought they had heard some things that gave them a lot of assurance, that first of all, it was a student housing product, and this was a very different product than what there would be with just a regular apartment. She continued that this was being built for that because there was a demand, that this developer was making a \$60 million investment because they knew there was a demand, that there were hundreds of students on waiting lists for off-campus housing, and this would be right there, right across from the campus. She continued that this would be a private developer, but it was being built for students, and it was probably not going to be attractive to anybody else who would just want an apartment.

Councilmember Robinson stated there had been surveys with students and with parents, and there had been meetings with student groups, who had assured them the demand was there for student housing, so she had no doubt this was going to be student housing, and it was going to be full of students, that there would not be an opportunity for anyone else who might want to go in there. She continued that she thought what was most striking about this situation was they had a developer who was willing to invest \$60 million, as a private investment, which would then help the

university, that it would mean the university would not have to invest \$60 million of their capital, that they could put that into their buildings and the infrastructure on the campus.

Councilmember Robinson stated there had been questions about the developer, and she asked if Mr. Davis or Mr. Nunez could tell them about the developer, the experience they had had with other projects such as this.

Mr. Nunez stated one of the developers was local and had made investments into this particular area, and that was Boaz Ventures, which had been doing multiple developments in Huntsville, having recently successfully done one of the first projects in Research Park, at Wynn and Bradford, being a commercial/multifamily development. He stated Capstone was primarily focused on providing student housing for campuses.

Mr. Nunez stated they were all aware that with the growth of the city and the growth of the programs of not only UAH but Alabama A&M and Oakwood University, these universities were struggling to provide housing for their students via capital investment. He stated Capstone had approximately 40-plus years of experience in this particular area. He stated that, candidly, he would speak to the fact that Planning staff had met with multiple entities over the years in relation to this site, and the primary point they made was that no project would work unless UAH was in walking step with them in this project, that no particular entity could do it on their own, that there had to be a partnership and evaluation and support with UAH. He stated this was the first one that had been successful with the application provided by Dr. Karr and others.

Mr. Nunez stated that these were individuals who were making investment not only into the community but into the university, because the university could not adequately provide the housing at the rate that was needed. He continued that in

this case, there was an opportunity within these partnerships, and these were the partnerships they looked for throughout the city, not just with the universities.

Councilmember Robinson stated they had an experienced developer, who had done off-campus student housing. She stated that when her son attended the University of Alabama, he had lived in a product such as this, that it was student housing off campus, and everything in it was not like one would find in a regular apartment.

Councilmember Robinson stated that as close as this property was, right across the street from UAH, would make it very attractive to students.

Councilmember Robinson stated the question had come up regarding deed restrictions, and she stated she did not think they could put deed restrictions on if they did not have a project, that the seller would not do it, and the developer certainly would not. She continued that, however, they would have C-1 zoning, which she noted was the most restrictive commercial zoning they had. She asked Mr. Nunez if that was correct.

Mr. Nunez stated it was the lowest level commercial zoning they had in the city. He stated it would allow for the use of some commercial aspects, but that was not the overall intent.

Mr. Nunez stated, as to some of points Councilmember Kling had made, that there were some opportunities, with bookstores or small entities that provided commercial opportunities, such as convenience, laundry, et cetera. He stated these were potential services that could be provided, from coffee shops and bakeries, that would be a possible enhancement to the community overall. He stated that McThornmor Acres was a primary aspect in the community, and he wanted to state on the record that this type of development would not affect the national registry. He continued that this was on the south side of the street, which was not a part of

historical McThornmor Acres.

Mr. Nunez stated that within this development was the potential to provide some relief to some of the issues, with this investment alongside UAH. He stated that the ability to provide a walkable student apartment option would take pressure off the nearby neighborhoods, with a decrease in homes converted from single-family to student rentals, and with some being converted back to new individuals living and making an investment into the McThornmor Acres community, so they believed this could work.

Mr. Nunez stated he was aware there were some concerns about parking, and he stated this type of project would be required, by regulations, to meet the parking regulations, and in addition to that, the site would need to be supported also by UAH, that most of the parking would have to be on UAH's property, and that was why they were working through those particular agreements. He continued that they had been assured that those agreements would have to work or this project would not work in that aspect.

Mr. Nunez stated he was aware the Council did not take economics and investments into consideration when considering rezonings, and he stated this was an assessment of trying to evaluate the project in itself, and he stated this type investment would not work at the price point of the sale of the church, as they had lost membership. He stated they did not want to create an eyesore within the neighborhood, with the church just sitting there as a desolate property, without any activity. He stated that as important as religion might be, this was a site that had a potential to revitalize and assist the university as it grew as well. He stated this project would not work at the price point it was without UAH being in lockstep.

Councilmember Robinson stated that, also, a \$60 million investment would not be made unless they felt as if they could provide adequate parking for all of their

residents, and they could fill the facility with UAH students. She stated she guessed what she was hearing was they had a competent developer willing to make an investment for a facility that would be a help to the university, and the university community as a whole, and that could potentially actually increase property values because there would be new construction going in next to an aging neighborhood, and the other issues could be dealt with eventually, as the plan was developed, but at this time, she thought they had enough to move forward on this.

President Meredith recognized Councilmember Little.

Councilmember Little stated he was just curious as to what would be considered the front of this facility, if it would be facing into the university, out on Holmes, et cetera.

Mr. Nunez stated that from a Planning perspective, the front door would be on Holmes Avenue, that that was where the street frontage was. He stated that, however, there could be aspects of the front door being internal from UAH as well. He stated there was a piece of property just east of the blue line he was indicating on the display that was another church, and there was a protective buffer of a residential district that they would not support changing at all because they did not believe that type of request would be approved before the Planning Commission.

Councilmember Little stated that Mr. Nunez had referenced some other potential projects in the past that had not fit.

Mr. Nunez stated it was not projects, that it was entities that were interested in doing development and rezoning there, and they knew that without the support of UAH, no project would work.

Councilmember Little stated he was aware this was long range, but there was to be an upgrade of the entire Holmes corridor, from downtown maybe to Research Park, eventually. He asked if that was correct.

Mr. Nunez replied in the affirmative.

Councilmember Little asked if that type of long-range project would fit in, if this would be part of that thought process, that this could be something that would coincide with the entire thing.

Mr. Nunez stated it absolutely would. He stated since they were talking about traffic, that for the average individual who traveled down that road and to the residents, it seemed like traffic issues, as they sat a little bit longer where they had not sat previously, in the years they had lived in this neighborhood; however, in the aspect of the traffic count over the past five years, Holmes Avenue had dropped in the traffic count. He stated the area could sustain 24,000 trips per day, and from what they were seeing at this time, from 2020 - 2021, there were approximately 9,000. He stated he used Holmes Avenue all the time because it was one of the safest traveled roads in the city because there was the least traffic on that road itself.

Mr. Nunez stated that to answer the questions in regard to traffic, there had been a decrease in traffic, which was the reason they had the opportunity to make the investments in Holmes Avenue.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated he appreciated the people who had come to speak before the Council and the way they had presented their issue. He stated the Council members appreciated having their input in a professional manner because it gave them the perspective of how much they enjoyed their community and cared about their community.

Councilmember Keith stated he was aware there were some questions concerning the rezoning, and he stated he had not heard from a developer or from UAH on this matter. He stated if they were just going to rezone this, it did not mean that the next day they would see steel coming out of the ground. He stated they

needed to understand that the next process would be of involvement, and he stated he hoped the Council would hear from the developer, with a short rendering.

Councilmember Keith asked when that might be, noting that it sounded like this was something the residents would love to see.

Mr. Nunez stated if this item moved forward at this time, there would be another step where this would come back to the Council. He continued that there could be opportunities where the public would be involved and be shown what could be designed on that site. He stated that, additionally, by City ordinances, in the review of the complex and saying that UAH had to provide some land for parking, that would have to go before the Board of Zoning Adjustment, to go through that process, so there would be another notification, where the residents would have the opportunity to look, review, and see, in that process, what would additionally occur. He stated they could be several months from reviewing that, but they needed to see the potential of this project come before the Council to see if there was an opportunity for such to move forward.

Councilmember Keith stated it was important to understand that this step did not mean that the next day things were going to happen. He stated if he were a developer about to put up \$60 million, he would want to know he had the potential to develop something on that property. He stated that although this was not in his district, he wanted to say to everyone that there were other buffers between this time and the development of the things that might potentially be on that property, and it was important that they stay in constant contact, because they had done this in District 1, where people had thought one thing, and then what ended up being at that location, everybody seemed to love.

Councilmember Keith stated he just wanted to say to the residents of this neighborhood their words had been heard by individuals such as himself, and

although he could not speak for others, the Council voting in favor of this did not mean they had not heard the concerns voiced, and it did not mean the things they were concerned about would not be heard, although things might not happen when they wanted them to. He stated he just wanted to let them know this one step would not finalize everything, that it was simply one step, and there were other steps to make sure their concerns were heard before anybody could turn the key on what potentially could be this development.

President Meredith asked if there was any further discussion.

Councilmember Kling stated he thought this was like a work in progress, that he thought they were talking about something that could work out, and they just needed to get things nailed down, but they had not been able to do so. He stated that for the neighborhood and for the whole process, since they were talking about potentially a \$60 million project, they should make sure things got done the right way.

Councilmember Kling stated he would like to ask that they send this matter back to the Planning Commission, and give them a copy of the minutes or the tape of the meeting that had the concerns raised by the neighborhood and provide an opportunity for the Planning Commission and the developer to respond to their concerns. He stated that would throw this back a little bit in time, but it would not kill the project.

Councilmember Kling moved to refer this matter back to the Planning Commission.

President Meredith twice asked if there was a second to the motion.

President Meredith stated the motion had died for lack of a second.

Councilmember Keith stated that if they sent this back to the Planning Commission, they were all aware that their input would just simply be to give it back

to them, so they could either make the decision on this at this time or in 40 days. He stated they got to make the final decision on the input, but the standards they would put on any developer before even receiving a rezoning would be unfair. He stated he wanted to say to everyone watching and everyone from McThornmor Acres that they absolutely cared about their concerns, and those concerns could and should be addressed at another point, noting that he had been in this position before. He stated he thought for them to just pass the buck would be unfair, and they should be completely honest in their position that they could hold these developers accountable. He stated Mr. Nunez and Mr. Davis did an outstanding job of holding people accountable.

Councilmember Keith stated that although he was speaking from experience, he knew that Councilmember Kling cared and the individuals who had spoken cared, but there would be another place to address their concerns, and it would have more value in the secondary part of this, after a rezoning, than it ever would in going back to the Planning Commission.

President Meredith asked if there was any further discussion.

President Meredith called for a roll-call vote on Ordinance No. 22-896, and the following vote resulted:

AYES: Little, Keith, Robinson, Meredith

NAYS: Kling

President Meredith stated the motion had passed.

Councilmember Keith stated to Mr. Nunez that a speaker had talked concerning the timing being too coincidental, and he asked if there could be a process sent to that person on any changes or any proposals from Mr. Nunez's office ahead of this, from the State and the City.

Mr. Nunez stated that to speak on that, they had received their notification,

and in three days, they had gotten notification from the developer. He stated the developer had taken some additional steps to sit with the community and had been in contact with the community throughout the process. He stated the neighborhood had received notification, and the meeting had then occurred. He continued that it might seem like that time frame was, like, three days after the next, but he did not know when individuals checked their mail.

Mr. Nunez stated that, additionally, he would provide them a process, et cetera.

President Meredith stated it was the time and place in the meeting for a public hearing on amending the Zoning Ordinance, Article 73, Supplementary Regulations and Modifications, Subsection 73.7.4, Front Yards, to update language regarding lots fronting on major streets, as established by the Major Street Plan, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this was an update to Article 73.7.4, Front Yards. He stated that in approximately 2016 - 2017, the Planning staff was required to do front yard averages between homes in particular residential districts, and from that, a particular case required them to do a front yard average so a home would not exist five feet in front of another, so they had made changes to that ordinance in 2016 - 2017. He stated the changes read as follows: "Where the developed lots within one hundred (100) feet on the same side of the street of any undeveloped lot have a greater or lesser front yard than required herein, the front yard of such undeveloped lot shall be within five (5) feet of the average front yard; provided no front yard shall be less than twenty (20) feet except in a Residence 1-C district, and further provided this section shall not apply to secondary front yards or lots fronting on major streets, as

established by the Major Street Plan.”

Mr. Nunez stated in the Major Street Plan, there were four street categories: major arterials, minor arterials, major collectors, and minor collectors. He stated when they were talking about minor collectors, these were Stringfield, Garth, Oakwood Avenue, Andrew Jackson, Grizzard, Old Big Cove Road. He continued that these minor collectors served as the feeder patterns from the residential streets into the major collectors. He stated there were a significant number of single-family homes on those minor collectors, particularly the streets he had named. He continued that in this change, they wanted to change that section of the major streets as established by the Major Street Plan and identify arterials and major collectors, so remove "minor collectors," so that as they had redevelopment in neighborhoods on some of these streets, they would not have homes sitting 20 feet, 25 feet in front of the other, that they would do the front yard average there and look at all the new homes and those in the existing neighborhoods.

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 issue.

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

Councilmember Little moved for approval of Ordinance No. 22-898, amending the Zoning Ordinance, Article 73, Supplementary Regulations and Modifications, Subsection 73.7.4, Front Yards, to update language regarding lots fronting on major streets as established by the Major Street Plan, which ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-898)

Said motion was duly seconded by Councilmember Kling and was unanimously adopted.

President Meredith stated it was the time and place in the meeting for a public hearing on amending the Zoning Ordinance to add Article 77, Medical Cannabis Facilities Regulations, which hearing was set at the November 10, 2022, Regular Council Meeting.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this was to add Article 77 to the Zoning Ordinance, to adopt regulations related to Medical Cannabis Facilities. He continued that as this went forward, they wanted to thank the Council for the adoption of allowing medical cannabis in the city. He stated the State would therefore allow them to adopt zoning regulations in regard to this. He stated that as a part of the Darren Wesley "Ato" Hall Compassion Act, 2021, the Alabama Legislature allowed for the cultivation, processing, and distribution of medical cannabis in the interest of protecting its own residents from the danger recreational cannabis posed. He continued that, additionally, this was about licensing and strict regulation of the cultivation, processing, transporting, testing, and dispensing of medical cannabis.

Mr. Nunez stated that this ordinance defined a lot of different things, but he wanted to focus on the particular uses that would allow medical cannabis to be within the city of Huntsville. He stated this would be Cultivators, which were essentially the growers, and Dispensaries, which would be the sale of the product. He stated he wanted to make real clear there was not a combustible product in the ordinance established by the Alabama Medical Cannabis Commission. He stated what was allowed were tablets, cubes, topicals, suppositories, patches, nebulizers, and some inhalable liquids. He continued that there was no combustible or flammable component, as in what you would commonly refer to as maybe the "plant" or the "flower" seen in the recreational component. He stated that would not be allowed

within the city limits.

Mr. Nunez stated the next use would be Integrated Facilities, and he stated Integrated Facilities were facilities that would allow for the cultivation, processing, secure transport, all within one facility, where they would have processors who would take a grown product and process it to these tablets, cubes, or topicals.

Mr. Nunez stated that the last would be Secure Transport and State Testing Laboratories.

Mr. Nunez stated as they got down to the brass tacks about this ordinance, there were protected uses in these definitions, and the protected uses were schools and day cares, and they were required to be 1,000 feet from schools and day cares. He stated these protected uses were measured from property line to property line, similar to what they did in other ordinances related to alcoholic beverage licenses, in that they would measure from property line to property line within that measurement of 1,000 feet. He continued that with dispensary sites, they wanted to put in a measurement from the main entry to the main entry of another dispensing site, so if they would go from the front door of one to the front door of another, that would be how that measurement would be made, that they would not measure from the property line like they did for the protected uses.

Mr. Nunez stated as related to permitted medical uses by the district, they wanted to focus in that the dispensaries and integrated facilities would operate in the Medical District, that, (1), the protection would be there for 1,000 feet from protected uses, and they had additional regulations they wanted to add to that as well. He stated the location of such facilities shall not abut a residential district, so if there was the Medical District abutting a residential district, they would not be allowed to locate in that area. He continued that the distance separation of one dispensing site to another would be approximately 300 feet. He stated this was what he had talked

about concerning the measurement from one storefront to another.

Mr. Nunez stated as they got into Heavy Industry, that would be the desired location of cultivation, integrated facilities, with no dispensing sites. He stated he wanted to be clear that even though the State allowed for the integrated facility to do essentially what would be called a "one-stop shop," that would not be allowed in Huntsville's city limits, that they would move the dispensing site from the integrated facilities, and allow for secure transport. He stated that, again, it would be 1,000 feet from protected uses, 1,000 feet from residential districts. He stated the emission of noxious or objectionable odors would not be allowed; that there would be a minimum lot size of one acre; and a minimum lot size of two acres for integrated facilities.

Mr. Nunez stated that State testing laboratories would be 1,000 feet from protected uses and 500 feet from residential districts.

Mr. Nunez stated they would allow for testing facilities to locate in Research Park West and Commercial Industrial Park Districts, and again this would be 1,000 feet from protected uses and 500 feet from any residential district.

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 issue.

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

Councilmember Keith moved for approval of Ordinance No. 22-900, amending the Zoning Ordinance to add Article 77, Medical Cannabis Facilities Regulations, which ordinance was introduced at the November 10, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-900)

Said motion was duly seconded by Councilmember Robinson.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated that as he understood it, this was to be limited to within the, quote, Medical District, that it was not citywide. He asked if that was correct.

Mr. Nunez stated the dispensaries would be restricted to the Medical District only.

Councilmember Kling asked why the dispensaries were being restricted to the so-called Medical District, which he noted was a small area compared to, say, citywide.

Mr. Nunez stated that when they looked at the State regulations, there was a lot the Planning staff still needed to understand about this process. He stated the staff had looked at this for approximately the last five years, in relation to other cities in other states across the nation that had adopted medical cannabis use, and also recreational.

Mr. Nunez stated that not understanding in which nature the State would go was the reason they were hampered in trying to evaluate which direction they would head. He continued that as they had looked at it a little more, and the State regulations had come out, they had evaluated the State regulations. He stated they did not want this popping up in particular areas, or areas where they would not be sure how to properly evaluate the use itself. He reiterated this was not a recreational component, and he stated that even in the process for an individual who had a particular issue and needed this particular relief from medical cannabis, what they had to go through was a process to receive a card. He continued that they did not understand how much traffic would be generated from that, if there would be people standing outside in lines, and what was the security transport in that process.

Mr. Nunez continued that, again, similar to what they had done with other districts, such as the Entertainment Districts, they would start slow, and they would

expand further once they got more evaluation. He stated in the last 2½ months, they had seen so many entities that had popped their heads up and shown them the nature and the way of their business. He stated they were still evaluating and getting more information, and from that they were even evaluating changes for the future, although at this time, this was what was being presented to the Council because there was a particular deadline, December 30th, from the State, to be able to submit it and say these areas would be allowed to have medical cannabis, per City ordinance.

Mayor Battle stated they had started off with this very, very conservatively, that they did not know what they did not know, that they had heard what other areas had done, but this was somewhat like comparing apples to oranges because their use and what they would actually sell and what they were actually doing in their areas did not really match up with what the Alabama law had in place. He continued that he wanted it understood they were starting off very, very conservatively with this, that they wanted to make sure they protected the public, that that was their job. He stated they would stay conservative on it until they saw what the results would be with the first dispensary open, the sales, traffic patterns, and some of the other things that would give them some information to make sure they could continue to make wise decisions on this.

President Meredith recognized Councilmember Little.

Councilmember Little stated he thought of the Medical District as a very small area, and he asked where a spot was in the Medical District where they could put a dispensary. He stated that on Longwood, next to the UAB facility, that was next to a neighborhood, so it would be precluded. He stated that then if they came north along Lowe, that was next to the hospital day care. He asked if there was any map or anything that showed where these places would be. He continued that there would be only one or two sites, and he stated perhaps he had answered his own question.

Councilmember Little stated he had another question. He stated that someone had asked him about M-2 zoning, and he stated he guessed that would be something like what the Mayor had said. He stated they were just kind of dipping their toes in the pool, that they might be swimming one day, and he asked if that was the best way to look at this.

Mr. Nunez stated that would be correct. He reiterated they had taken a conservative approach to this.

Mr. Nunez stated that to answer Councilmember Little's prior question, there were several opportunities within the Medical District itself. He stated if this ordinance was approved and they evaluated it at this time, that would not mean an entity that had secured that spot would receive a license at the State level, so even if there was the opportunity, there was no guarantee that would be the true location in that area. He continued that there were opportunities in the Medical District.

Mr. Nunez stated that in relation to Medical-2, there was a difference in those districts, and they wanted to stay conservative in this, and to be able to get an evaluation where they would not have to go halfway across the city to figure out what was happening, that they could see it in real time, and even speak to those entities on a constant basis, to get additional information on how they could grow and become better in this process.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated this was a tough thing to deal with because it was new. He stated that, in his opinion, this was commercial redlining. He stated they had just valued property for somebody thousands of dollars, if not hundreds of thousands of dollars, more because they had a certain designation of opportunity. He stated he was saying that respectfully, that if somebody owned a property that just by chance, not having done anything to the property but because of the location, it would

be extremely more valuable. He stated that, inherently, his view of it again was that if they were thinking about traffic, they should not allow any more Chick-fil-A's in the city of Huntsville, that there were no more cars that went through a drive-thru than at a Chick-fil-A in Huntsville, Alabama.

Councilmember Keith stated he felt they should overstate the perspective that they were being cautious and conservative, but that was a lot of government, and he was not going to go down that path. He stated his perspective would be if there was a variance process, if someone could come to them in five months and say, "Hey, we found a spot that really does not fit what your original point was, but it absolutely fits in the grand scheme." He stated that in a lot of ways, if they were secondary to the market, if somebody built a church or a day care or something in that random area, they would have then tightened their market, so in five years, they would have fewer places that would be worth a lot more, and the monopoly would be done by the local business that got in first. He stated that was redlining.

Councilmember Keith stated that his question was concerning a variance process, noting that the zoning and variance board did this a number of times with liquor, and they did it with other things. He continued that if they did not at this time make that process, individuals would not come back into the market because it would be too expensive to outbuy the person who was there the first time.

Councilmember Keith stated that concerning traffic, if it was Starbucks or Chick-fil-A, they would not mind, and he stated he would respectfully say they were all aware of the headaches concerning traffic, so they should put that on the shelf, that they had dealt with traffic in Huntsville, and they should get back to the original perspective that this had an optic, and if they made this decision at this time, in his view, they would be redlining commercially some places, and they would be increasing the property value of other places through real governmental intervention,

that they would be literally doing the exact opposite of some of them who might believe in small government intervention by making people's property more valuable because they would have excluded hundreds of acres.

Councilmember Keith stated he just wanted to make sure everybody understood this, that he was not against the way they were zoning it, that he was just saying they should have a release, so if someone found a spot that might make sense, they could approve that and consider that as well.

Mr. Nunez stated that would have to go before the variance board if the Council approved this particular ordinance, but there were evaluations the Planning staff was making at this time to some of the uses, and even how they would expand that going forward, so there could be a chance of expanding it even further within the next several months, but at this particular time, they were in this box, so to speak.

Councilmember Keith stated that, then, if the Council approved this at this time, and using M-2 as an example, they could come to Planning, after this would be approved, and say, "I'm in M-2. Can you look at my case specifically," like they did with a usage variance.

Mr. Nunez stated that, again, that would have to go before the Board of Zoning Adjustment, and the next Board of Zoning Adjustment that would be applicable would be in January.

Councilmember Keith asked if then they said yes, that it made sense, that it was one of the random cases that was outside the original zoning that was passed, if it, too, could be considered a special use.

Mr. Nunez stated that was possible.

President Meredith stated that at this time, he would like to defer to the resident expert on this issue, Mr. Henry Thornton, External Relations Officer.

Mr. Thornton stated he would first say that Thomas Nunez was absolutely the

expert on all zoning matters, and he did not want to take up any of that title, but he wanted to add, in terms of a variance, that the companies applying for these licenses were going to have to list all of their proposed dispensing sites on an application that was due December 30th. He continued that, technically, that could be amended, if there were certain extenuating circumstances. up through March 3rd, but until there was action by the Commission, there would not be any new dispensing sites beyond the 37 sites listed, which were due to be listed December 30th. He stated he did not want them to get the idea they could do variances in the future when there would not likely be dispensing sites that were new dispensing sites until there would be an act by this State group.

Councilmember Keith stated that was a great point, and maybe that doubled down his point, that they had now really made certain property in this community very expensive, and somebody out there who was enjoying the location they owned, that commercial property, the value had just gone through the roof because of that information right there. He stated he had no skin in the game in this perspective, but he had always talked about this commercial redlining, and if they regulated vape places like this, they would have fewer issues, that they would not be in every single gas station, but it seemed they were overregulating something that actually had medical benefits and stymying it to a smaller location, which valued the locations they were going in, and because there was no variance process, for that place to be in a space that might make sense in five years, they would not even have that option. He stated it was not that he was saying Mr. Nunez and his department had not done a great job, but he was saying to the Council his opinion was they were taking governmental intervention to another level of property assessment, and they had assessed that certain properties were now more valuable than they originally were had they not made this decision.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated in some ways, what they were doing now was like the issue they had dealt with earlier with UAH, that they were having to take an action on something, and they were really not sure how it was going to work out on the back end, but they had to do this because it would get them started on the process they could work on as they went along.

Councilmember Robinson stated a December 30th deadline had been mentioned, and she asked if it was correct that by approving this before the December 30th deadline, it would make it possible for them to have dispensaries in the city.

Mr. Nunez stated it would give his staff an opportunity to review, assess, and be able to provide some form of provisional zoning verification to those entities that wanted to apply to the State.

Councilmember Robinson asked if it was correct, then, that if the Council did not approve this, they would not have any dispensaries in the city.

Mr. Nunez stated they would not have any regulations around dispensaries.

Councilmember Robinson stated it really would not enable them to have dispensaries at all.

Mr. Nunez stated they had kind of already approved allowing dispensaries within the city, via the Council's approval of moving forward on this.

Councilmember Robinson stated, then, they would have no control, and she stated it was critical for them to do this and do it before December 30th. She continued that she had gotten the same email she believed Councilmember Little was referring to earlier, about why this could not be in an M-2 District, and she stated that would require going back before the Planning Commission, and it would take much longer than December 30th for that to happen, so they had to do this at this time,

make the decision, and then on the back end, they could work through things as they went along.

Mr. Nunez stated that was correct.

Councilmember Keith stated that was not fair, that it could be in M-2 districts, that they had decided it was not in M-2 districts.

Councilmember Robinson stated that was right, and she was not sure anybody wanted it to be, that she was not saying anybody even wanted it to be, but the request had been made from a citizen that they make it possible for it to be in M-2 districts. She stated they had to help those who wanted it in an M-2 District to understand they could not do that, that they did not have time to even consider that.

Councilmember Keith stated that, again, he was not stepping on the toes of the Planning Department and saying they did not do their work to decide what the most conservative approach to it was, noting that the Mayor had set that tone early on, and with that he could absolutely agree, that what he was saying was that Councilmember Robinson was acting as if the repercussions were not that the medical districts that could have it were reaping the benefit of this decision; and he was saying that the people who could not have it were, inversely, being stymied by this decision at this time.

Councilmember Robinson stated she did not know if she was making that point or not, that all she was saying was they had a deadline, and they needed to make that deadline.

Councilmember Keith stated he was saying they could still make a deadline, that his point was that any amendment at this time would deal with those repercussions as well. He stated he just wanted to be sure on this, because he knew people were watching, and someone had just texted him, that the decision at this time was a conservative decision on where those dispensaries could go, not on dispensing

medical marijuana. He stated the reason he thought it was wrong was they were taking the government's ability to increase and inflate the power of some places' commercial value, and to him that was a huge overstep.

President Meredith stated Councilmember Keith had mentioned an amendment, and he had looked into that, and he wanted their legal counsel to explain why amending it was not possible.

Mr. Riley stated amending it was not possible because of the zoning requirements, as far as the procedure. He stated if they were to move to amend this, they could not just simply amend it here, that in accordance with law, they would have to send it back through the Planning process, start over from the beginning. He stated he could go into a lengthy explanation of that, but there was well-established case law that required it. He stated the net effect of this would be what he would call an unintended consequence.

Mr. Riley stated reasonable minds could differ as to where the sales should be allowed, and such as that, but as far as the practical situation at this time, if they moved to amend this, the only way they could lawfully amend it would be to send it back through the process, and that would mean their zoning administration was not going to issue a letter to the applicants, which he noted was a necessary process for them to meet the State procedures. He continued that if they could not present that letter from the City saying "This looks like a location that fits within our confines," they would not meet the State requirements, so they would not get the opportunity. He continued that practically speaking, what they were saying was nobody would get anything at that point.

Mr. Riley stated there were ways to modify this, but it could not be modified in time to meet a December 30th deadline. He stated it was just speculation, but they obviously expected this business to go forward, and probably to grow, and such as

that, and it might well grow here in Huntsville, as far as the practicalities, but those were to be determined. He continued that if that occurred, he would expect that maybe the State might open up its aperture, depending upon the experience.

Mr. Thornton stated he had one thing to add to the City Attorney's comments. He stated that the Alabama Medical Cannabis Commission had the authority to grant more dispensing sites to the integrated facility license holders and the dispensary license holders at some future date if they felt like the current number of dispensaries was not sufficient for the demand among patients, so there could be good reasons to open this up to other zones of Huntsville in the future. He stated the Mayor's point was they had been very conservative to start with. He stated that could affect those potential future dispensing sites that would come in, presumably in 18 to 36 months, or something like that.

Mr. Thornton stated that discussion could happen later, but this was a matter of some urgency at this time.

President Meredith asked Mr. Thornton to correct him if he was wrong, and he stated he thought he had heard him say the Commission would be granting these licenses in March.

Mr. Thornton stated the licenses would be granted to the applying companies in July. He continued that the companies had the ability to amend their application due on December 30th through a March 3rd deadline if they had appropriate extenuating circumstances, such as if a certain site burned down, and they needed to remove where their supposed dispensing site was. He stated that was the March 3rd deadline.

President Meredith asked if he were in an M-2, and he went to the variance board and was granted a variance, if it was correct that because he had not submitted it before December 30th, he would not be allowed to then apply, with that variance,

sometime in January.

Mr. Thornton stated if President Meredith were a company to submit a location in an M-2 District, he would not get a letter from the City saying that his site met all local laws and regulations.

President Meredith stated he was assuming if he got that variance in January, he could then go to the State, with the letter, noting if he got the variance, he was assuming he could get a letter from the City saying he met the requirements, and then he could include that letter in his packet, in January, to the State. He asked Mr. Thornton if that was correct.

Mr. Thornton stated that the extent to which the State Commission would accept a change in Huntsville's zoning policy as an acceptable extenuating circumstance for an amended application was something they would have to check with their lawyers on.

President Meredith stated to Mr. Thornton that if he could check on that, just to close that loop, he would appreciate it.

Councilmember Keith stated he would just say in summation that he thought the Mayor had made the right move, that the staff had made the point, and he thought this was just an example of his perspective of this. He stated that, again, downtown would see values go up in this area, in certain locations, because of the decision the Council would make at this time. He stated he did not even know all of those places, that they had not seen a map of those places. He stated he just thought if there was no process for somebody else to reap those benefits, it would be an unfair decision.

President Meredith asked if there was any further discussion.

President Meredith called for a roll-call vote on Ordinance No. 22-900, and the following vote resulted:

AYES: Little, Kling, Robinson, Meredith

NAYS: None

ABSTAIN: Keith

President Meredith stated the motion had passed.

President Meredith stated it was the time and place in the meeting for a public hearing on authorizing the City Clerk-Treasurer to assess the cost of cleanup and removal of a public nuisance located at 6311 Marsh Ave, NW, Huntsville, AL.

President Meredith recognized Mr. Scott Erwin, Manager of Community Development.

Mr. Erwin stated this item was to authorize the assessment for property at 6311 Marsh Avenue that was a public nuisance. He stated the total amount of the assessment was \$16,931.84.

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 issue.

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

Councilmember Kling read and introduced a resolution authorizing the assessment for the cost of cleanup and removal of a public nuisance located at 6311 Marsh Avenue, NW, Huntsville, Alabama, as follows:

(RESOLUTION NO. 22-990)

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

President Meredith recognized Councilmember Kling.

Councilmember Kling asked Mr. Erwin if asbestos was found at 6311 Marsh Avenue, NW.

Mr. Erwin stated he did not have that report in front of him, but he did not believe it was. He stated there was a fire at that location, and there was a swimming pool and a lot of junk, but he did not believe asbestos was identified at that time.

President Meredith stated it was the time and place in the meeting for a public hearing on authorizing the demolition of an unsafe building, constituting a public nuisance, located at 2106 Boardman Street, SW, Huntsville.

President Meredith recognized Mr. Erwin.

(Mr. Erwin made a PowerPoint presentation.)

Mr. Erwin stated the presentation was before the Council, and he stated this property had been sitting open and accessible, at 2106 Boardman Street. He stated this property had 27 notices on it in the last 10 years, including grass, junk, and housing violations. He stated the property owners had been notified of the condition of the property. He stated there was an heir issue, where the ownership had not really been determined. He continued that they were moving forward with removing this public nuisance, in the public's interest.

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 issue.

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

Councilmember Robinson read and introduced a resolution authorizing the demolition of an unsafe property, constituting a public nuisance, located at 2106 Boardman Street, SW, Huntsville, as follows:

(RESOLUTION NO. 22-991)

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

President Meredith stated the next item was 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, and each speaker could address the Council for three minutes. He stated 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.

Ms. Tris Wilson, 5017 Rickwood Court, appeared before the Council, speaking concerning item 19.b on the agenda.

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

Mayor Battle wished everyone Happy Holidays and Merry Christmas, and he stated everyone's present from him was that he had no further comments at this time.

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

President Meredith recognized Councilmember Kling.

Councilmember Kling asked that the record reflect the passing of Mr. Charlie Grainger, who had been very instrumental in the development of Research Park, as well as being a leader for the Chamber of Commerce in the lobbying efforts in Washington, D.C. He stated Mr. Grainger was well known to many people in the community for his long years of service to the community, and he would be greatly missed.

Councilmember Kling asked that the record also reflect the passing of

Mr. Bill Poole, who was a well-respected, local real estate agent, and that among his achievements, he had served as president of the Alabama Real Estate Association. He stated that Mr. Poole would also be greatly missed.

Councilmember Kling stated he would like to go back to a problem Councilmember Keith had lightly touched on, concerning Chick-fil-A. He stated there was a problem concerning this, and he would like to see if someone from the City could contact the State DOT to see what could be worked out. He stated Chick-fil-A was certainly very popular, as was Starbucks, on Governors Drive, and they were located basically side by side, next to the intersection of Joseph Lowery and Governors Drive, and they created a backlog of traffic, that there was traffic that basically blocked one of the lanes on Governors Drive. He stated what made this especially bad was that it usually occurred during the morning drive time when that lane was really needed. He stated he would just like to determine what could be done about this situation.

Councilmember Kling wished everyone a Merry Christmas.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated one of Mr. Hamilton's favorite sayings was, "Singles and doubles, Devyn," which he had often said to him when he had first been elected. He continued that he agreed with that, that the best way to win a game was to keep hitting a bunch of singles and doubles. He stated he had been in a recent meeting at Terry Heights, and that neighborhood was full of singles and doubles. He stated that in that location eight years prior, one could buy a house for \$62,000, and the same house had at this time sold for \$171,000. He stated that in this area, they had torn down buildings, they had held owners accountable, that they had made investments into that community, and they were at this time seeing the byproduct, with property values going up, because of singles and doubles. He continued that at

this time they were back to the singles and doubles.

Councilmember Keith stated that on one street in this area, there had been seven burglaries, and that was not the fault of police officers, but on that street, more than 20-something homes were owned by LLCs, so there were renters.

Councilmember Keith stated that every dollar counted, noting that this was one of the hardest working neighborhoods in the city of Huntsville. He stated that, also, inside that 20-something homes, there were four homes that had more than 40-something citations in three years. He stated these were all absentee landlords. He continued that three of the buildings were vacant. He stated one of the buildings that were owned was his, and it was burglarized as well. He stated one of his neighbors had come up with the idea they should check one of the vacant homes, and he stated they had found some of the stolen property from the street. He stated individuals were so comfortable that they were breaking into a home and going next door to a vacant home that was open and putting the stolen property in it, and then leaving to come back and sell it. He stated if that was not a comfort zone of criminality, he did not know what it was.

Councilmember Keith stated that real estate drove a market, and the social perspectives of people in a certain market were what the real estate showed.

Councilmember Keith stated they could not allow neighborhoods, especially people who owned their homes and worked very hard, keeping their yards up, to be the recipients of absentee landlords who could not care less about the value of the neighborhood. He stated he had echoed this and now he had experienced it with his fellow neighbors, and he stated if they did not hold accountable these absentee landlords who had owned and leased and rented properties that had caused criminality, and not just an optics issue but criminality, they would have neighborhoods that were still trying to turn the corner, going from \$71,000 to

\$171,000 off of pure hard work and a Community Development office that cared. He stated that for middle-class Americans at this time, living from paycheck to paycheck, losing a bike and a TV was like losing a paycheck.

Councilmember Keith stated he was saying to his fellow Council members that this was a very serious issue, and he knew he was not speaking just for himself because every district was dealing with some level of this, and he thought this was something they should take up in 2023, even if they had to ask State legislators, to give accountability to absentee landlords, those who were reaping the benefits but not paying into the pot.

President Meredith recognized Councilmember Little.

Councilmember Little stated he was continuing to hear from his neighbors in District 2 on various issues, and he wanted to tip his hat to all the department heads who helped to address their concerns.

Councilmember Little stated he and Councilmember Robinson had the opportunity to participate in a Connect class with Leadership Huntsville and let them go through the appropriation process, which he noted was good because he had learned also. He continued that he had been in the Connect class a long time ago, and it was a program that was near and dear to his heart, so it was a privilege to be involved in this.

Councilmember Little wished everyone a Merry Christmas and a Happy New Year.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated she absolutely agreed with Councilmember Keith's comments, and it was not just District 1, that she believed every district in the city was experiencing those issues, which was why she kept coming back to a Rental Registry that would hold out-of-town property owners, as

well as in-town property owners, accountable and would give the City a way to be able to track them down and hold them accountable; and a short-term rental ordinance; and an ordinance that would help them to better control abandoned and vacant buildings. She stated her new year's resolution was to continue to work on these things and bring them before the Council.

Councilmember Robinson stated it was Christmas, and there were a lot of good things going on. She stated that on the following Saturday, HPD would be holding their citywide Open House at the South Precinct, from 4 p.m. to 8 p.m., and there would be games, food trucks, and all kinds of other things, and she invited everyone to attend.

Councilmember Robinson stated that also on the upcoming weekend, persons were invited to Ditto Landing for Christmas on the River, noting that there was an amazing display of more than 100 Christmas cards; that there was a train display that was awesome at the East Harbor, and there would be a shuttle from Ditto to get over there; and the boats were going to be lit up, and that was super impressive; and Santa would be there.

Councilmember Robinson stated that, as Councilmember Little had said, they had the opportunity to work with the Connect Class, and she stated the City's own Henry Thornton was in the class, as well as Brooke Izzo, from the Sports Commission. She stated Mr. Thornton was elected mayor of his group, that there was a mayor and five council members, and they had to work through the agency appropriations budget, and, also, they had to appoint someone to the Huntsville Police Citizens Advisory Council. She stated this reminded her again that they were developing their newest class of leaders with that Connect Class.

Councilmember Robinson wished everyone a Merry Christmas.

President Meredith congratulated Huntsville Fire & Rescue on 200 years of

continuous service, and he thanked all the employees for their service, noting it was greatly needed in the city and Huntsville was a better community for their being there.

President Meredith stated the next President's Forum would be on January 3rd. He continued that it would not be held in the Council Chambers, that it would focus on the art scene, and it would feature the Huntsville Symphony Orchestra, the Huntsville Ballet, Arts Huntsville, and the Fantasy Playhouse Children's Theater & Academy. He stated they had gone on location at all four places, and there would be a wonderful discussion of what they did, how they benefitted the city, and how those who were interested in participating in their programs could contact them and participate. He continued that it would provide behind-the-scenes looks at all those organizations, and everyone was encouraged to tune into HSV-TV and check it out, on Tuesday, January 3, at 4 p.m.

President Meredith wished everyone a Merry Christmas, Happy Holidays, as well as a Happy New Year.

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

Councilmember Keith read and introduced a resolution authorizing Expenditures for Payment, as follows:

(RESOLUTION NO. 22-992)

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

President Meredith stated the next item on the agenda was Board Appointments to Be Voted On.

Councilmember Kling read and introduced a resolution appointing James Splawn to the Solid Waste Disposal Authority of the City of Huntsville,

1st Director (his current seat), for a four (4) year term to expire January 1, 2027, as follows:

(RESOLUTION NO. 22-993)

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

Councilmember Kling read and introduced a resolution appointing James Ledbetter to the Solid Waste Disposal Authority of the City of Huntsville, 3rd Director (his current seat), for a four (4) year term to expire January 1, 2027, as follows:

(RESOLUTION NO. 22-994)

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

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

President Meredith stated Councilmember Robinson had nominated Katie Beasley for reappointment to the Land Trust of North Alabama, to her current seat, for a two (2) year term to expire December 31, 2024.

President Meredith stated Councilmember Kling had nominated Abby Owens for reappointment to the Advisory Commission on Accessibility, Seat 8 (her current seat), for a three (3) year term to expire January 10, 2026.

President Meredith stated Councilmember Robinson had nominated Traci Harris for appointment to the Madison County Department of Human Resources Board, Place 7, to fill a vacancy due to the resignation of Sharrise Gibson, for the remainder of a vacant six (6) year term to expire August 1, 2027.

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 and an Ingress-Egress Easement, Lots 1 & 2, Sunset on Green Mountain Phase 2 Subdivision, as follows:

(ORDINANCE NO. 22-995)

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

Councilmember Robinson read and introduced an ordinance authorizing the vacation of a Utility and Drainage Easement, The Willow at Wilson Cove, off of Cherry Tree Road, as follows:

(ORDINANCE NO. 22-996)

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

Councilmember Robinson read and introduced an ordinance authorizing the vacation of Utility and Drainage Easements, Lot 1 Hollywood Sixteen Theater Subdivision, as follows:

(RESOLUTION NO. 22-997)

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

Councilmember Robinson read and introduced an ordinance authorizing the vacation of a Utility and Drainage Easement, 103 SpaceGate, SpaceGate Subdivision, as follows:

(ORDINANCE NO. 22-998)

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

Councilmember Robinson read and introduced an ordinance authorizing the vacation of a Ingress-Egress Easement in Tract 1, The Lakes at the Meadows Subdivision, as follows:

(ORDINANCE NO. 22-999)

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

Councilmember Robinson read and introduced an ordinance authorizing the vacation of Sanitary Sewer Easements, The Willows at Wilson Cove, off of Cherry Tree Road, as follows:

(ORDINANCE NO. 22-1000)

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

President Meredith stated the next item on the agenda was Deeds of Acceptance.

Mr. Riley submitted the following deed for approval:

(DEED)

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

President Meredith stated the next item on the agenda was Unfinished

Business Items for Action.

Councilmember Robinson moved for approval of Ordinance No. 22-988, to amend the Code of Ordinances of the City of Huntsville, Alabama, Chapter 13, Fire Prevention and Protection, Article III, Open Burning, Division 2, Open Burning Permit and Safety, Section 13-84, Permit fees, to increase the Open Burning Permit Fee from \$100.00 to \$250.00, which ordinance was introduced at the December 1, 2022, Regular Council Meeting, as follows:

(ORDINANCE NO. 22-988)

Said motion was duly seconded by Councilmember Kling and was unanimously adopted.

President Meredith stated the next item on the agenda would require a four-fifths vote of the Council for approval.

Councilmember Kling moved for approval of Ordinance No. 22-989, to amend the Code of Ordinances of the City of Huntsville, Alabama, Chapter 2, Administration, Article III, City Council, Division 2, Council Rules, Section 97, Rule 6, Order of Business - Public Comments, which ordinance was introduced at the December 1, 2022, Regular Council Meeting.

Said motion was duly seconded by Councilmember Keith.

President Meredith recognized Councilmember Kling.

Councilmember Kling stated he could give arguments on both sides of this issue. He stated that in a nutshell, this ordinance would revert the public comment portion of the Council meeting back to what they had before an amendment approximately a year or so prior, that it would just go back to the way it had been previously handled. He stated that legally this was not required, that it had been said this was a business meeting of the City Council, and the public had the opportunity to observe. He continued that he agreed with that argument, that legally it was not

required, but they had had it in City government going back to the Joe Davis administration, the Steve Hettinger administration, the Loretta Spencer administration, and the first 12 or 13 years of the Tommy Battle administration, and it seemed to have been something that had worked.

Councilmember Kling stated that with the change they had made in this, he thought they were kind of lagging a little bit, and he thought they could show the public they were attuned to their concerns, that they could listen to them. He stated they might not like what the public had to say, but he thought there was an analogy that the earlier the public got to speak, the more they would take advantage of it. He stated he had noticed at the prior meeting of the Council that no one had signed up to speak on the non-roster communication at the end of the meeting because people had left.

Councilmember Kling stated that at different times, people had told him they had come down to the Council meeting to speak but because of the length of the meeting, they had decided to leave. He stated this change would show the Council was not just trying to get by and do what was legally required, that they were Huntsville, Alabama, and they liked to show they were a little bit better, and they would put this back.

Councilmember Kling stated an argument certainly could be made that if they had more people speaking, which he thought was a good thing, it would mean the meetings would last longer. He stated that was certainly true, but he asked if it was really such a bad thing that they were there to listen to the public and to try to address their concerns. He stated that during the middle part of the meeting, when they had the public comments pertaining to the agenda, just about all the department heads were available, whereas sometimes department heads would leave prior to the end of a long meeting. He stated he believed this was where they could work to get people

paired for their concerns with the respective department head. He stated that sometimes people just wanted to come down and have the opportunity to address their concerns to all six of their elected officials.

Councilmember Kling stated this was a business meeting, and they were not required to do this, but they tried to be better, that that was what they were, and he asked if they were not there for the public, what were they there for.

Councilmember Kling stated he had kind of given both sides of the argument on this issue and why he felt this would be a valid bylaw change to make.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated she would like to review why the Council had made the change in the first place, and she stated they had business that needed to be taken care of. She stated they had seen that earlier in the meeting, that they had a lot of people who had concerns about items during the public hearings, and they had also spoken about agenda items. She stated they had that opportunity up front to address the work of the Council, and that was what the Council members were there to do.

Councilmember Robinson stated if this were the only platform citizens had to address the Council, to get their problems resolved, to work toward connecting with the right folks at the right time, she would possibly agree with Councilmember Kling, but she thought this was actually the least effective way for people to communicate, that it was not a give and take, that it was not a personal sort of a thing, that emails, phone calls, and in-person meetings were much more effective because they could actually have a discussion and do some problem-solving together, and those could be arranged at a time that would be much more convenient than coming down to the Council meetings.

Councilmember Robinson stated that while they did allow citizens to come to the meetings and welcomed them to come and engage in the process, it was really not

a good problem-solving mechanism, so she was not sure that moving it forward would be helpful, other than for those folks who would be addressing something specific to the agenda, that she was not sure it would serve the Council's interest or the public's interest well to move it forward.

Councilmember Keith stated he agreed with Councilmember Kling, although he saw the perspective. He stated he actually thought this could even be seasonal, that he would say if there was ever a time to allow people to speak earlier, it would be at this time because it got dark so soon. He continued that there were individuals who took the time to come down to the Council meetings and to find parking in what he imagined was a sea of nonparking at this time, and they were also taking time away from their families, and the list would go on.

Councilmember Keith stated that when this decision had been made, he would give validity to the Administration saying that at one point it had become unproductive, that there were a number of issues that were hot-button issues that were taking up so much time, and they were not getting business done. He stated he understood there was a value of a short amount of time, when people had higher attention, and the Council was aware of their attention, so he would say moving this in this time frame more than likely was an ode to those individuals who came down to the meetings, so they could leave, and especially in these dark times. He stated he thought it was better that individuals would have the opportunity to come down and say what they needed to say in three minutes and leave.

Councilmember Keith stated that his perspective was that then if it needed to be changed, they could do this all over again. He stated that as Councilmember Kling had said, this was the standard, and they had changed it, for good reason, that he actually agreed, but he thought changing it back, especially in this seasonal time frame, would be better for the citizens.

President Meredith asked if there was any further discussion.

President Meredith called for a roll-call vote on Ordinance No. 22-989, and the following vote resulted:

AYES: Kling, Keith

NAYS: Robinson, Little, Meredith

President Meredith stated the motion had not passed.

(Scribner's Note: At a later time in the meeting, President Meredith changed his vote on this ordinance to "Aye;" therefore, the final vote on Ordinance No. 22-989 was as follows:

AYES: Kling, Keith Meredith

NAYS: Robinson, Little

(Scribner's Note: The motion did not pass because an amendment to the Bylaws requires four affirmative votes for passage.)

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 items 20.l, 20.o, 20.p, and 20.q would be held from the consolidation.

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

Resolution authorizing travel expenses, as follows:

(RESOLUTION NO. 22-1001)

Resolution authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 22-1002)

Ordinance amending Budget Ordinance No. 22-736 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 22-1003)

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

(RESOLUTION NO. 22-1004)

Resolution authorizing the Mayor to amend the Sirens and Related Equipment contract #86-2022-66 between the City of Huntsville and Sirens for Cities, Inc., to add a specific model of a warning siren that was omitted from the original contract which was approved by Resolution No. 20-817, on September 10, 2022, as follows:

(RESOLUTION NO. 22-1005)

Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and GTEC, L.L.C., dba GTEC, for Environmental Site Assessment Services for Airport Opportunity Site, Phase I, Project No. 71-23-SP03, as follows:

(RESOLUTION NO. 22-1007)

Resolution authorizing the Mayor to enter into a Solar Ground Lease Agreement between the City of Huntsville and TAI Huntsville Solar LLC, as follows:

(RESOLUTION NO. 22-1008)

Resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Consolidated Construction Company, for construction services for the Sandra Moon Community Center Phase 2, as follows:

(RESOLUTION NO. 22-1009)

Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Schoel Engineering Company, Inc., for engineering services, Don Mincher Drive entrance and Streetscape, as follows:

(RESOLUTION NO. 22-1010)

Resolution authorizing the Mayor to execute Modification No. 1 to the Lease Agreement between the City of Huntsville, Alabama and Drake and Harlan Properties, Inc., as follows:

(RESOLUTION NO. 22-1011)

Resolution authorizing the Mayor to enter into a Purchase and Sale Agreement between the City of Huntsville and Ruth Ann Burnett, Rowe Dorris Royer, and Judy Kay Page, as follows:

(RESOLUTION NO. 22-1012)

Resolution to adjust the salary of certain employee in certain position in assigned department, as follows:

(RESOLUTION NO. 22-1014)

Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and TargetSolutions Learning, LLC, d/b/a Vector Solutions, as follows:

(RESOLUTION NO. 22-1015)

Resolution authorizing the Mayor to enter into a Consulting Agreement between the City of Huntsville and Rob Clark, d/b/a Twickenham Pixel Development Company, as follows:

(RESOLUTION NO. 22-1019)

Resolution authorizing the City Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1343 for Boarhog Subdivision, as follows:

(RESOLUTION NO. 22-1020)

Resolution authorizing the Mayor to execute a Quote and Purchase Addendum to the Purchase and License Agreement (Resolution No. 19-245) with Motorola Solutions, Inc., in order to extend service an additional 5 years, as follows:

(RESOLUTION NO. 22-1021)

Resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Sandra Barnes, as follows:

(RESOLUTION NO. 22-1022)

Resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Roosevelt Daffin, as follows:

(RESOLUTION NO. 22-1023)

Resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Derrick Woodruff, as follows:

(RESOLUTION NO. 22-1024)

Resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Charles Hawk, as follows:

(RESOLUTION NO. 22-1025)

Resolution authorizing the Mayor to enter into a Special Employee Agreement between the City of Huntsville and Aaron Holdiman, as follows:

(RESOLUTION NO. 22-1026)

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

Councilmember Robinson read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville, Alabama and Catholic Center of Concern, to fund and administer the Huntsville Housing Helps program, as follows:

(RESOLUTION NO. 22-1013)

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

President Meredith recognized Mr. Scott Erwin, Manager of Community Development.

Mr. Erwin stated the CARES Act and the American Rescue Plan had originally funded the Emergency Rental Assistance funding for the City of Huntsville, that they had received approximately \$10 million in '21 and '22, and they had local nonprofit partners that used those funds. He stated that as the Council members were aware, the Emergency Rental Assistance program was closing. He stated they had recognized the need for continued housing assistance locally, for an individual family that might find themselves in a financial crisis and need assistance, so they had sought additional grant funding, and they had received an additional \$6 million, which would allow them to create a Huntsville Housing Helps program. He continued that this program would be administered by the Catholic Center of Concern, which was one of their partner agencies as they had administered funding through the Emergency Rental Assistance.

Mr. Erwin stated this was not a permanent housing program, that if someone needed permanent housing, that would be for the Huntsville Housing Authority. He stated it was not a permanent source of funding going forward, that it was to get a family through a temporary financial crisis so they would remain stably housed. He continued that it would also be used to find housing and shelter for persons who were unsheltered, so they could get into stable housing as they moved forward.

Mr. Erwin stated this was a contract not to exceed \$5 million in direct benefits to the community, and then \$1 million would be used to administer the program, to hire case managers to work individually with the recipients to solve some of their family issues.

Mr. Erwin reiterated this program would be administered by the Catholic Center of Concern, and he stated Kermit Elliott was the Executive Director there, and if there were any direct questions, she would be glad to answer them. He stated this organization had been in Huntsville for more than 50 years, and they did a

tremendous job of making sure they did not just hand out money but actually tried to get individuals on a better path, to figure out what their permanent source of housing would be going forward.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson stated that when they had done rental assistance previously, she thought there had been a couple of different agencies that had administered it, and at this time Mr. Erwin had chosen to go to one agency, and she did not believe he could have chosen a better agency or a better person to administer it than Kermit Elliott, that she was, in the nonprofit community, someone she really looked up to, that she did a great job of holding people accountable, and also with case management, helping persons move forward in their lives. She stated that was a great thing, but she asked if Mr. Erwin could please explain the thought process on one agency as opposed to several agencies.

Mr. Erwin stated that in the beginning, they would ask for the funding and then create the program, so they worked with all the organizations they knew had experience locally, and then since that time, these organizations had other traditional sources of funding they were administering, and the Catholic Center of Concern meshed with what they were trying to provide, the services for the community, and they did an excellent job. He stated that, again, this program was not the City of Huntsville Rental Assistance program, that they were the funder, that Huntsville Housing Helps was the program, and it was a program of the Catholic Center of Concern. He continued that in the beginning, it was on the City website, and his department helped to manage it. He stated they were not a direct service provider, so they had gotten out of that business and made sure there were experts in the area, such as the Catholic Center of Concern, which they were funding to support the community.

Councilmember Robinson stated that previously, persons had to demonstrate rental assistance was needed because of the impact of COVID, but that was no longer their requirement, that this was simply that someone who was in danger of becoming homeless would now be able to remain housed. She stated those kinds of preventive programs, that prevented situation homelessness, helped people get on their feet and move forward faster, and it was much easier to do that than to take someone out of a camp where they had been exposed to all kinds of things. She stated this was a much better program, and she was glad they were doing this.

President Meredith recognized Councilmember Keith.

Councilmember Keith stated to Mr. Erwin that he and his staff did an amazing job, that they had just helped someone in his community.

Councilmember Keith stated he did not know if it was necessary to attach this to this contract or this agreement, but this was a lot of money, in terms of individuals who were needing it would not have to be centralized, and he thought it was the right move to be administered by a third party. He stated his only request was that in a review of this, perhaps quarterly or at the \$1 million mark, the Council would receive a detailed report concerning the spending of this money, noting that it could be provided by ZIP Code, demographics, but schematics and stats of how this \$5 million was being managed.

Mr. Erwin stated they absolutely could do that, noting that there was a software program the Catholic Center used that would track by ZIP Code, by demographics, all the information, so they could certainly do that.

Mr. Erwin stated that, also, the contract before the Council at this time would not just hand over the money, that there were periodic quarterly allocations, which might be \$100,000 or \$200,000. He stated once that allocation was given, they would report back on every dollar spent, and it would be reconciled with the bank

statements before an additional allocation would be provided.

Councilmember Keith stated if the Council could get a report back as to how they managed, who they managed, and where those individuals came from, he thought that would allow them some perspective for individuals who called them or texted them, et cetera.

President Meredith called for the vote on Resolution No. 22-1013, and it was unanimously adopted.

President Meredith stated he would like to go back to item 19.b on the agenda and change his vote from "Nay," to "Aye." He stated that, unfortunately, that would not affect the outcome, and the motion still would not pass.

Councilmember Robinson read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Direct Communications for consulting services, as follows:

(RESOLUTION NO. 22-1016)

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

President Meredith recognized Mr. Henry Thornton, External Relations Officer.

Mr. Thornton stated this was the renewal of a contract with Direct Communications, in the amount of \$168,000. He stated this was a contract that entitled the City to Steve Raby's services as a lobbyist at the state level. He continued that Mr. Raby also occasionally provided ancillary support to their lobbying at the federal level, et cetera.

President Meredith called for the vote on Resolution No. 22-1016, 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 535 Group LLC for consulting services, as follows:

(RESOLUTION NO. 22-1017)

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

President Meredith recognized Mr. Thornton.

Mr. Thornton stated this item was almost identical to the previous item, a contract in the amount of \$108,000 with the 535 Group, and it was the renewal for Bud Cramer, at the federal level.

President Meredith recognized Councilmember Keith.

Councilmember Keith asked if Mr. Cramer was still local, if he had an office in Huntsville.

Mr. Thornton stated Mr. Cramer's office was in D.C., but Mr. Cramer was in town with some frequency, that he was in Huntsville several nights a month.

President Meredith called for the vote on Resolution No. 22-1017, 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 GovOS, as follows:

(RESOLUTION NO. 22-1018)

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

President Meredith recognized Ms. Kelly Schrimsher, Director of Communication.

Ms. Schrimsher stated this was the annual contract renewal for SeamlessDocs, which had now been purchased by GovOS. She stated these were the hundreds of

online forms citizens used to do business with the City.

Councilmember Robinson stated her question on this had to do with the cost. She stated the document provided said the City Total Cost was \$191,948.89, and then the Total Cost was \$19,194.89.

Ms. Schrimsher stated it was \$19,194.89.

Councilmember Robinson stated they just needed to correct the document.

President Meredith called for the vote on Resolution No. 22-1018, and it was unanimously adopted.

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

President Meredith stated the first item was one that had been requested to be considered at this meeting, which would require unanimous consent of the Council.

President Meredith read and introduced an ordinance annexing 1,220.50 acres of land lying on the west side of US I-65 and east of AL Hwy 31, as follows:

(ORDINANCE NO. 22-1027)

Councilmember Robinson moved that unanimous consent be given for the immediate consideration of said ordinance, which motion was seconded by President Meredith, and upon the motion being put to a vote, the following vote resulted:

AYES: Kling, Robinson, Keith, Little, Meredith

NAYS: None

President Meredith moved for the adoption of said ordinance, which motion was duly seconded by Councilmember Robinson.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was located west of Interstate 65 and east of

Alabama Highway 31. He stated the petitioner was seeking to annex into the city limits for City services, and the annexation was approximately 1,220.5 acres.

President Meredith stated he thought this was a great move. He stated someone had mentioned why this was not a point-to-point issue, and he asked Mr. Nunez to comment on this.

Mr. Nunez stated the City of Huntsville did not do point-to-point annexations. He stated there was an approximate 70-foot overlap in this area, although not necessarily viewable from this particular aerial. He stated they did not do point to point, nor did they do lasso annexations.

Councilmember Robinson stated this was a significant piece of property that was being annexed into the city, and she asked what kind of impact it would have on City services in that area, in particular fire protection, police protection, and sewer.

Mr. Nunez stated those would be expansions, as they were looking to expand further the fire protection in this area, and, additionally, they would have some expansion to sewer in this area as well, noting that the Council had the purchase of a .5 piece of property as well on the agenda. He stated this would allow for further development in that area.

Councilmember Robinson stated she assumed it would be served by the Greenbrier station.

Mr. Nunez stated that was correct.

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

Mr. Davis stated, concerning the sewer piece, that back in 2009, the City Council had approved the purchase of sewer infrastructure that went from US Highway 31, or actually west of US 31, displayed on the screen, all the way to Highway 72 East, almost to County Line Road. He continued that in that purchase,

they had purchased very critical public sewer infrastructure that was now owned by Water Pollution Control, and also purchased the service right area for sewer from US Highway 72 all the way south to Interstate I-565, and then west to US 31. He stated this fell within that, that actually a portion of that infrastructure they purchased was the southern boundary of this piece of property.

Councilmember Keith asked Mr. Nunez to zoom in on the display, noting that he was aware this was a very famous spot, that it was a desirable spot already because of some other commercial location there. He asked if they would be building homes there, or anything like that, if those individuals would incorporate into the city schools, et cetera.

Mr. Davis stated that when a property owner petitioned the City for annexation, the Planning staff, the Engineering staff, as well as other departments, all sat down and looked at that request. He continued that one of the agreements they had with this property owner was concerning they did not want to impact City services. He stated trash pickup, or brush pickup, were things that would cause some of their departments to have to go way outside the ring of the city and come back in, so the property owner has agreed they would not do any residential zoning, that this was going to be commercial, creating tax revenue, or industrial. He stated if they looked at the strategy they had done in this general area, that to date with that strategy, they had created 14,000 jobs and over \$4 billion dollars of private investment that was paying property taxes into the schools, and certainly into the City revenue coffers, and that was the same strategy they would have in this area.

Councilmember Little stated they had talked about trash and things of that nature, but this would be under fire and police protection, and he was aware they were stretched in the west for coverage. He asked if there had been any conversations with the Fire Department or Police Department about this.

Mr. Davis stated when they had worked many years prior to acquire property for Huntsville Fire & Rescue for what they called the "West Station," the selection of that station was in this general area of Greenbrier Parkway, based upon the radius of coverage and response time, and that station took into consideration the city someday being on the west side of 65, so there was not yet the intent or need to build another station on the west side of 65, that this station was in place, and had been in place, and had a ladder truck and all the personnel to handle that coverage area.

President Meredith called for the vote on Ordinance No. 22-1027, and it was unanimously adopted.

President Meredith stated it had also been requested that the next item on the agenda be considered at this meeting, which would require unanimous consent of the Council.

President Meredith read and introduced an ordinance annexing 0.50 acre of land lying west of US I-65 and east of AL Hwy 31, as follows:

(ORDINANCE NO. 22-1028)

Councilmember Robinson moved that unanimous consent be given for the immediate consideration of said ordinance, which motion was seconded by President Meredith, and upon the motion being put to a vote, the following vote resulted:

AYES: Kling, Robinson, Keith, Little, Meredith

NAYS: None

President Meredith moved for the adoption of said ordinance, which motion was duly seconded by Councilmember Robinson.

President Meredith asked if there was any discussion.

President Meredith called for the vote on Ordinance No. 22-1028, and it was unanimously adopted.

President Meredith stated it had also been requested that the Council consider the next item on the agenda at this time, and he stated that would require unanimous consent of the Council.

President Meredith read and introduced an ordinance annexing 3.47 acres of land lying on the north side of Winchester Road and east of Bradford Lane, as follows:

(ORDINANCE NO. 22-1029)

Councilmember Robinson moved that unanimous consent be given for the immediate consideration of said ordinance, which motion was seconded by President Meredith, and upon the motion being put to a vote, the following vote resulted:

AYES: Kling, Robinson, Keith, Little, Meredith

NAYS: None

President Meredith moved for the adoption of said ordinance, which motion was duly seconded by Councilmember Robinson.

President Meredith recognized Mr. Nunez.

(Mr. Nunez made a PowerPoint presentation.)

Mr. Nunez stated this property was located on the north side of Winchester Road and east of Bradford Lane, and it was overall 3.47 acres. He stated the petitioner was seeking to annex for City services.

President Meredith recognized Councilmember Robinson.

Councilmember Robinson asked if it was correct that this piece of land was not connected to the other two pieces of land the Council had just acted on.

Mr. Nunez stated that was correct.

Councilmember Robinson asked if they needed the Council to consider this item at this meeting because there was a timing issue.

Mr. Nunez stated there was a timing issue with the particular development, which was a commercial proposal, going forward.

President Meredith called for the vote on Ordinance No. 22-1029, and it was unanimously adopted.

President Meredith read and introduced Ordinance No. 22-1030, to declare property located south of Bob Wade Lane and east of Pulaski Pike, also known as Lot 2, Lanier Subdivision, consisting of 136.28 acres, as surplus and no longer needed for a municipal purpose, and authorizing the Purchase and Sale Agreement to Stanley Developers, LLC.

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 when called, they should approach a microphone and state their name, home address, and city of residence, and each speaker could address the Council for three minutes. He stated 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.

Ms. Dana Hollifield, 4301 Holmes Avenue and 10013 Strong Drive, addressed the Council, having signed up to speak concerning "Would like to know the City Council's role in overseeing the Health Care Authority Board."

Mr. Andre Wilson addressed the Council, stating he was a District 2 resident and his address was correct on the sign-in sheet, having signed up to speak concerning "Update."

President Meredith stated that concluded the Second Roster Public Comments.

Upon motion, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER

(Meeting adjourned at 7:55 p.m. on December 15, 2022.)