

HUNTSVILLE CITY COUNCIL MINUTES

Work Session - May 30, 2025 - 9:30 a.m.

**City Council Chambers, City Hall
Huntsville, Alabama**

Members Present: **Mr. John Meredith, President**
 Dr. Jennie Robinson
 Mr. Bill Kling
 Mr. David Little
 Ms. Michelle Watkins

City Attorney: **Mr. Trey Riley**

Also Present: **Mr. Scott Erwin,**
 Manager, Community Development
 Mr. David Canupp,
 Lanier Ford
 Dr. Larry Lowe,
 Chief Innovation Officer

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

This Work Session of the Council was called by President Meredith for the purpose of a presentation concerning Code Enforcement by the Community Development Department.

President Meredith said the Community Development Department would be presenting updates regarding how they were increasing voluntary compliance and new ways owners may be held accountable for failure to maintain their properties.

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

(Mr. Erwin made a PowerPoint presentation.)

Mr. Erwin said he would be presenting some of the administrative functions, as to what Community Development did in enforcing the current statutes and City ordinances they had, that Mr. Trey Riley, City Attorney, would discuss some of the

legal issues; Mr. David Canupp, outside counsel, would discuss how they were pursuing remedies through the Circuit Court; and Dr. Larry Lowe, Chief Innovation Officer, would discuss ways artificial intelligence could assist them with some compliance within Code Enforcement.

Mr. Erwin said Code Enforcement investigated property maintenance complaints, that they conducted inspections, issued notices, noting that sometimes such notices might initiate legal actions to gain compliance, but they worked primarily through voluntary compliance, which was their goal, so they could maintain community standards, protect the public health and safety, and preserve community property values.

Mr. Erwin commented on the staffing of Community Development, introduced several members of the staff, and explained some of their work.

Mr. Erwin said there were 12 statutes and ordinances under which Community Development could issue notices or take citations to court, and he would be focusing initially on the first four of these, and he noted that, obviously, of the most concern to the Council were the Grass & Weeds, the Junk/Litter, and Inoperable Vehicles. He said everything they did was based on a City ordinance or a State statute, and there was a timeliness factor. He said if a Council member were to call him on this date concerning a property his department did not have under a notice, they would have to get the property under notice, and the property owner would be given 14 days to bring it into compliance, with grass, and at that time, they could issue a notice to go and cut the grass; and on junk/litter, and inoperable vehicles, it would be a 30-day notice, that the property owner would have 30 days to bring it into compliance. He said that quite often, people thought the City was not doing anything concerning these matters, but they were waiting for due process to play out, based on what the City ordinance or the State statute provided.

Mr. Erwin said the next two larger items his department addressed were Structure Notices and Unsafe Buildings. He said Structure Notices applied to residential, non-residential, and accessory structures, and the owner would be given 120 days to rectify a problem. He said this concerned the failure of a property owner to maintain their property; however, it would not rise to the level of a public nuisance. He said they could go to Municipal Court with these, but Municipal Court's jurisdiction was to impose a fine and court costs, that they did not have the authority to enforce an abatement or a corrective action on the property. He continued that they had some new methods they were exploring that Legal could talk about, concerning going through the Circuit Court.

Mr. Erwin said, concerning Unsafe Buildings, that if they found a building that was dangerous to the life, health, and safety of the public or occupants, they would post that property, and then they would send a notice to the owner of record. He said that with every property notice that went out, they had to see who owned it, who the property tax assessor's owner of record was, and they also did a Huntsville Utilities check, to find out if it was a tenant, and if so, they would issue a notice to both tenant and owner.

Mr. Erwin said, concerning Unsafe Buildings, that the owner would be given 30 days to obtain the necessary permits, and then it would be if they had an active permit and were working to bring the property into compliance. He said there were times when these properties sat for lengthy periods of time, which Mr. Riley could discuss, with an out-of-state owner. He said they had to get a remedy beyond Municipal Court to try to bring those properties into compliance, and that would be the Circuit Court method.

Mr. Erwin said the notice process generally stemmed from a complaint or monitoring of the community, that they had both reactive and proactive notices, and

"reactive" was when they were reacting to a citizen's complaint, Huntsville Connect, or the Council or the Mayor's office would advise them of a property needing to be inspected; and "proactive" was the monitoring of the community, noting that they were riding around to identify potential violations. He said the proactive involved a lot of man-hours, and a new tool Dr. Lowe would be discussing was a way to know where violations were from the use of camera technology.

Mr. Erwin said in 2024, 10,357 Code enforcement inspections were conducted, and about 8,500 notices were issued. He said violation notices were typically issued within five business days. He said they had to make sure they had done their homework on this, that anyone with an ownership interest in the property had to be notified of any violation before they could take action. He said after the appropriate amount of time, these would be closed out because they had been brought into compliance, or if not, it would go to a compliance officer, and they would go to work, contacting the out-of-state owner, the heirs of the property, et cetera.

Mr. Erwin said voluntary compliance was their goal, noting that they had over 80 percent overall in this, from all their notices, that the public was typically very responsive. He continued that they did their best to educate the public on the ordinances, through various means, to make sure the public was aware, for example, that the City had an 8-inch grass ordinance, and they tried to communicate clearly and respectfully and to provide reasonable timelines for compliance, which he had mentioned earlier. He said they tried to make sure they offered support, and resources if needed, noting that one of the impediments could be financial hardship. He said their Deferred Rehabilitation Program used federal funds to help such individuals, if they qualified, to abate some of these issues. He said they did not go inside, but they had done an HVAC, a roof, or siding. He said they tried to offer this support when they could, noting that they were not there to be punitive, that they

were there to make the neighborhoods safer, cleaner, and better.

Mr. Erwin said some of the impediments to getting voluntary compliance were out-of-town owners and rental agencies, foreclosures, properties changing ownership, deceased owners, and, as he had mentioned, financial hardships.

Mr. Erwin said, concerning financial hardship, that they wanted to help where they could and to be responsive and respectful, but at the same time, they needed to preserve neighborhoods, to make sure they were as strong as they possibly could be.

Mr. Erwin said the largest number of notices issued in 2024 were for grass. He said there would be an inspection, and then a notice, somewhat of a courtesy notice, and then a citation. He continued that a citation would be used when they were citing someone to court, and anything below a citation, anything not involving the court system, would be just a notice from his department.

Mr. Erwin discussed voluntary compliance versus forced compliance, and he displayed a slide displaying rates. He said they were not there to be punitive to the community, that they were there to strengthen the community, and to make sure they encouraged all citizens to do the best they could, with their help.

Mr. Erwin said there were ordinance and statutes that were under the direction of Community Development, but there were things the Council members experienced every day that were not under their jurisdiction, including private property disputes, business operations, parking on grass, dumpster management, and bamboo.

Mr. Erwin said, concerning bamboo, that they were currently working with Legal, and in the coming months, they might have an ordinance concerning this for the Council to consider.

Mr. Erwin said, concerning bringing property into compliance, that they had costs associated with that, and he said they recovered those costs as the actual cost for

doing the work, that they did not issue fines, that they could recoup only the actual cost of abating a property. He said it would be the actual cost to the City that would be placed on the property owner, to recoup the expenses the City incurred to bring the property into compliance.

Mr. Erwin said Mr. Riley would discuss some of the legal considerations.

(Mr. Riley distributed documents to the Council members.)

(Mr. Riley made a PowerPoint presentation.)

Mr. Riley said that, obviously, Mr. Erwin and his department carried the lion's share of the role in addressing these issues, and the Legal Department, as well as other departments in the City, were of support. He said Mr. Erwin had done an excellent job in his presentation of showing the Council the different methodologies used to address certain problems, and he had also outlined for them legal considerations, as shown on the displayed slide.

Mr. Riley said one of these considerations was due process, which basically meant that the person who had come into conflict with the regulations of the City had to receive notice of the complaint against them and an opportunity to be heard in response. He said this was the reason they had the public hearings and the notices provided to the appropriate owners, who would then come to that public hearing and have the opportunity to be heard. He said there were oftentimes difficulties in executing the due process requirement because it was not always easy to determine who the owner of a property was, especially when there would be a situation where a record owner might have died, and perhaps died without a will, so there would be no easy record to go to to determine who the owner was, and oftentimes that would cause a great deal of work for Mr. Erwin's department, in consulting obituaries, et cetera. He said if they were to miss someone and go through the entire process and demolish a property, an heir to the property could come forth and say they had not

been provided notice and were, therefore, owed money.

Mr. Riley said there was also substantive due process. He said there was a case he was familiar with where notice had to be given to the owner who existed in the records of the Tax Assessor, and what the particular municipality knew, and what was well known at that point, was that the Tax Assessor's records were up to a year behind, and in this particular case, the person to whom the property had been transferred had done everything they were supposed to do to have things recorded, but this had not made it into the record because there was a lag between when something was filed and when it was actually available, so the municipality went through the process but had the wrong people involved, that they had gone through the procedural due process requirements, and they ended up demolishing a property, and then the actual owner came forward, asking why they had torn down his property, and that person had been successful and ended up collecting from the municipality, and this could be a substantial amount because they had not gotten to the right owner.

Mr. Riley said they had to be mindful of people's property rights, and he said they could tell from Mr. Erwin's remarks that his department was respectful of property owners, that it was not the City's desire to just go in and take people's property or demolish their property or to assess people for different things or push them around, that what they were trying to do was to promote compliance, so that people would do what was needed to be good neighbors, and it was only when they could not obtain that cooperation that they had to come in and do their thing.

Mr. Riley said out-of-state owners were, obviously, a big problem for them, and he said the problem was there were two basic pathways they could take, that they could take the criminal or quasi-criminal side, where they would issue a citation to someone who was in violation, and then they would have to come over to the

Municipal Court and answer that citation. He said the problem with that option was when there was an out-of-state owner, they could not obtain in-person jurisdiction over that owner, that they could not extradite that person like they could if they were charged with murder in the state. He said they did not have the ability to extradite someone on what was a minor offense in the criminal scheme of things, and even if they did, very few states would go to the trouble of arresting someone in their state, incarcerating them, and then arranging for them to be transported, on what was a relatively minor offense. He said for out-of-state property owners, this oftentimes eliminated that particular option, and they had the same problem when they were addressing the abatement situation.

Mr. Riley said his office had been discussing with Mr. Canupp other options to address these things, and one option they had uncovered, which they had been using in a variety of arenas, was the Circuit Court option, which enabled them to obtain jurisdiction through what was called "in rem jurisdiction." He said under that theory, because the owner had property in the city, they could attach jurisdiction to that property and gain access to the owner in that manner, that they would have to come and subject themselves to the court.

Mr. Riley said he had handed the Council members a document setting out a legal case in the city of Montgomery, noting that it was a tall weeds case, that someone was charged with having weeds over 12 inches in height in her yard. He said the property owner had initially been convicted of this in the Montgomery Municipal Court, and she was fined \$30 and ordered to pay court costs. He continued that the property owner had appealed her conviction to the Circuit Court and moved that they dismiss the charges against her, and she had said her conviction was unconstitutional because the statute was unconstitutionally vague, and it was overbroad, and she said the statute and the conviction violated her due process rights, violated her right to

equal protection, violated her right to free speech, and that it violated her 5th Amendment property rights. He said she was successful at the Circuit Court level, that the Court had thrown out the case, saying that the municipal ordinance was overly vague.

Mr. Riley said the City of Montgomery had appealed this to the Court of Criminal Appeals, and the document the Council members had in front of them was the opinion that had resulted from this. He said they looked at each of the provisions the property owner had put forward, noting that the City at that point was arguing that the Circuit Court had erred when they held the City's weed ordinance was unconstitutionally vague. He said the Court had noted that the void-for-vagueness document required that a criminal statute define the offense with sufficient definiteness that an ordinary person could understand what conduct was prohibited and in a manner that did not encourage arbitrary and discriminatory enforcement.

Mr. Riley said they had gone on to note that the ordinance defined a weed as "a plant of no value, undesirable, and usually of rank growth, including grass, shrubs, underbrush, or other vegetable growth higher than 12 inches." He said they had felt like that was enough to defeat the concern about whether it was overly broad, and it gave appropriate notice to landowners that any plant, especially a weed, that was allowed to grow over 12 inches could very well be declared to be a nuisance. He said that based on the clarity of the definition in the ordinance, the guidelines contained in the ordinance, and the way the City inspectors were not going out and just picking people and making ridiculous claims, they had overruled the Circuit Court and said it was not unconstitutionally vague.

Mr. Riley said this case was the type of analysis they had to confront in this area, but, thankfully, they did not have this very often. He said the Council, as a body, had experienced similar defendants, with many properties involved, and with people

in Community Development trying to deal with all these different properties. He said that, thankfully, most people were generally law-abiding citizens, and if they ran afoul of the municipality, and they were put on notice or they were cited to court, they would not be interested in having a dispute, and they would go ahead and get their property repaired or brought back into the proper standard.

Mr. Riley said it had been mentioned that they were using a methodology of going into the Circuit Court with some cases, and David Canupp had been helping them in utilizing this, so he would let him address it.

Mr. Canupp said he would discuss what the City was doing in Circuit Court to try to enforce these ordinances. He said he was aware that anytime the Council was considering what they could do about these community problems, one of the things on their minds was how they could legislate, how they could create a solution to solve some of these problems. He said they had a lot of internal ordinances that allowed them to do things, such as to declare public nuisances, and they had the ability to pull a business license if it was a commercial property that had an issue, and they could regulate, et cetera.

Mr. Canupp said a lot of those regulations resulted in some sort of proceeding before the City Council to determine if there had been a violation, and, typically, that kind of proceeding would be appealable to the Circuit Court by the property owner, or it might result in legislation that created a penalty that was enforceable in Municipal Court. He said those were very effective tools, and many of them were tools the Council had used on a regular basis; however, there were a few things about these tools that were not always satisfactory, noting they had just heard from Mr. Riley about some of the things that could happen when a City legislated, that they could get challenged by property owners under every constitutional amendment they could come up with, and they could end up in protracted litigation. He said a lot of these

proceedings were complicated when they were before a City body because there were always allegations that the City body had made some incorrect decision or proceeded inappropriately. He said Municipal Court, by state law, only had the ability to issue fines and imprisonment up to a very short period of time, so it was not always satisfactory.

Mr. Canupp said what they were trying to bring to bear was going directly to Circuit Court, under State laws that already existed that empowered municipalities to enforce certain provisions. He said that, for instance, violation of the Minimum Housing Standards for the City of Huntsville, which they had adopted, would constitute a public nuisance under Alabama law, under the State Code. He continued that there were two statutes in Alabama that allowed municipalities to sue directly in Circuit Court to abate public nuisances, so one option they would have would be to go through Municipal Court, and another option was the Council could declare public nuisances, but a quicker, and often more efficient, way was to go directly to Circuit Court and file public nuisance actions.

Mr. Canupp said when they had abandoned houses that had become a danger to the neighborhood, and a blight on the neighborhood, there was a procedure for the City to evaluate whether it was a total loss and whether it should be torn down. He said there were a lot of cities that tore down blighted houses, and they got sued quite often for that, but they did not necessarily have to use that remedy, that they could go to Circuit Court directly and have a court declare it a nuisance and order the property owner, or perhaps the mortgage holder, to destroy the house or to repair the house.

Mr. Canupp said the thing they liked about going to Circuit Court was that Circuit Court judges had a lot more jurisdiction to enter remedial orders, that they had what was called "equitable jurisdiction," that they could enter an injunction, and if someone violated an injunction, they could be held in contempt. He said these were

things that could not be done at the Municipal Court level and things the City Council could not do.

Mr. Canupp said going through Circuit Court was also a little bit more efficient, that rather than wasting a lot of time going through procedures, they could just go direct, and he said they had had a lot of luck in a lot of circuit courts doing that kind of thing.

Mr. Canupp said that, similarly, they had a business license remedy in the City of Huntsville, that there was a procedure to revoke a business license or to take action against someone who did not have one. He said State law allowed the City to go directly to Circuit Court to address some of those issue, and there might be times when it would be more efficient and quicker if they went to Circuit Court, under the State statute to do that.

Mr. Canupp said they had a few items of litigation that were pending in which they had used these remedies. He said he would not go through all of these because this was pending litigation, but they had used these sorts of remedies to deal with short-term rental, with failing sewer systems that had caused serious problems with neighbors, with businesses being operated out of residences, with junk piled up in people's yards, with abandoned houses in states of disrepair, and they had looked at doing that on commercial properties, like apartments, as well. He said they had the Slope Development Ordinance with the City of Huntsville, and that was something that could be enforced internally, but it could also be enforced in Circuit Court, and they had taken legal action to enforce that ordinance in Circuit Court.

Mr. Canupp said that was not a comprehensive summary of the types of things they could file litigation over, but it was a good sampling of what they could accomplish. He continued that they had seen good results with this. He said this was not unique to Huntsville, that other cities across the state used these remedies on a

regular basis to abate nuisances. He said this was something Huntsville had not been doing all that much until recently, but it had been very effective for them.

Mr. Canupp said he had wanted to just briefly present this, and he would be happy to answer any questions concerning it later in the meeting.

(Dr. Lowe made a PowerPoint presentation.)

Dr. Lowe said as Chief Innovation Officer, one of the aspects of his role, as the city grew in population and land mass, was to look for the opportunities where they could strategically introduce technology, as opposed to scaling labor to accomplish the same thing. He said one of these was the technology he wanted to discuss, noting they did not have an active contract with anybody on this, so he was just going to talk about the technology itself and not any specific companies. He said the load kept rising on Community Development due to the rise in population and land mass and the buildings that were going up. He said like many growing cities, there was a challenge in monitoring the property conditions with their existing resources. He said this was labor-based at this time, so it was very time-intensive, and there was a need for an objective way to look at the structures they had.

Dr. Lowe said Mr. Erwin had presented on the number of notices and citations, with one of them being tall grass. He said one approach on this would be if there were an automated way to detect this and automatically send out the notices, thereby relieving a lot of the load on the existing inspectors, allowing them to go and look at structures, with maybe bigger objects to look at, as opposed to the nuisance of grass.

Dr. Lowe said, as to how this technology worked, that what they were looking at was mounting some weather-sealed cameras to garbage trucks, noting they would have a set of cameras on both sides of the vehicles. He continued that they already had a sunk cost, that these trucks already drove every single road in Huntsville, and this would provide them the opportunity to passively image every single parcel the

garbage trucks passed by, which was essentially every road in the city of Huntsville. He said the way the technology worked was that they used computer vision, that it was AI, but it was not the generative AI they might read about, that it was predictive AI, which was more traditional machine learning.

Dr. Lowe said they had a hundred different tags they had created that they could identify on a parcel that would be out of Code. He said they had trained their model over the last four years, using both international and national standards, as to what "blight" meant, or conditions to a property that could deteriorate, that it was everything from overgrown lawns and improper vehicle storage to structural issues, such as damage to roofs, that they could identify tarps, and they could find boarded windows and missing roofs.

Dr. Lowe said on the right of the displayed slide, they could see what the tagging would look like, noting that it put a red polygon around the area that would be considered off Code, that it tagged the image, and there was a color code associated with each parcel, which was a blight index, on a 1-to-4 scale. He said some tags would be considered more blight than others, and the number of tags on a structure would be a way they would increase, on a 1-to-4 scale. He said once a week, they would get a map like the one they could see on the bottom of the displayed slide, and he said the color code represented the blight score. He said this would be a way the inspectors could have an objective view, so they could double-check their work, and also look region to region to see where the demand was, allowing them to shift.

Dr. Lowe said they also had a mode, while driving the roads, to do roadsides as well, so it would not necessarily be tied to a specific parcel. He said in looking at the roadsides, they could see litter, debris, illegal dumping, and graffiti, noting that this would be a way to identify this throughout the city.

Dr. Lowe said this would be a passive, automated way to collect this data, that

it would provide streamlined reporting, and it would allow for increased efficiency and optimization of the assets they had, noting that they could be shifted to go and look if there was more demand in certain regions. He said they could look at structures, grass, vehicles, that they could look at all sorts of things, that this was a way they could become more data-driven in decision making.

Dr. Lowe said the primary product was developed mostly for structures, but built into it they had quite a few other capabilities, and one of those would be for debris pile pickup. He said currently when garbage was collected, they sent out five trucks and a boom truck, and all six of those vehicles drove the entire route in that area, so there would be a boom truck running around just looking for piles to pick up. He continued that one of the ideas they had was to use this technology to run the trucks on Day 1, process the data overnight, find out where the piles were, and then create a targeted map for the boom truck to drive. He said the obvious benefits from this would be less gas and less wear and tear on the vehicles, and potentially even allowing a single boom truck to collect debris over an even larger area. He said this was currently available technology, on the market at this time.

Dr. Lowe displayed another slide, and he said this was one that was under development. He said if they mounted a camera to the front of the garbage trucks, giving it a forward field-of-view look, it could record the state of every single roadway. He said with the development of a machine-learning model that could identify potholes, cracks, or cuts, anything, just road degradation, and give a road degradation score of 1 to 4, they could end up with a weekly or monthly map, a periodic map, whatever would make the most sense, that would look like the representative map shown on the displayed slide and could provide an objective view of roads that were in disrepair, and this could be used as a tool to decide which roadways were in need of repair. He said this was under development, that it was not out of the realm of

possibility, with the technologies that were in place at this time.

Dr. Lowe said this was just the current state of the art, capabilities they could use to augment some of the services they were providing.

Mr. Erwin thanked the Council for the opportunity for this presentation, noting that he was aware it was a lot of information that was provided. He said they would be glad to answer any questions the Council members might have.

Councilmember Kling said he thought Mr. Erwin's department was well-managed, and they were responsive. He said perhaps they were somewhat hindered by some of the ordinances and guidelines they had to follow, but he felt the effort was there, and they were working in areas throughout the city.

Councilmember Kling said he believed with everything involved with this, they had concerns about the rights of the property owners, and he realized that was a responsible thing they had to deal with because they were trying to protect taxpayer money from needless lawsuits, but he asked that they please balance that with the neighborhoods, the people who lived in these neighborhoods, who had had to endure these long-standing nuisances, whether it would be tall grass or a house that was barely standing. He said the issues these neighbors had to put up with from such properties, issues they had to deal with day in and day out, should be balanced with the rights of the property owners.

Councilmember Kling asked if the 14 days for the grass notices could be cut to 7 days, and if the property nuisances and such could be cut to 14 or 15 days. He said there might be cases where there would be extenuating circumstances, with an elderly or disabled person, and then the Department head could have the discretion to allow for more time. He asked if these times could be cut to have a quicker turnaround time for the neighborhoods.

Councilmember Kling said he thought the new technology looked very

promising, that he thought it could do a lot of great things. He continued that he believed there would have to be an appeal process, where a property owner would get something they thought was not right, and it would turn out that, mechanically, the camera had made a mistake, that he did not know the technology, but he believed there would be some kinks that would have to be worked out.

Councilmember Kling said they had heard from citizens about the issue of parking cars on front lawns, and what that did to the condition of the yards. He asked how the Council could look at this, if that would come under Community Development or under Legal, or where it would come from.

Mr. Erwin said this would start with the City Council, as to what their wishes were, noting that they could look at some of the neighboring communities, which were much smaller. He continued that with the research he had done, the enforcement mechanism would be a key, as to who would enforce it, what would be the remedy. He said evidence had proven that this sometimes had a disproportionate effect on certain neighborhoods, so they had to be mindful of that. He said what the enforcement mechanism looked like would be the most challenging aspect of this. He said if they issued a citation to court, people could have a fine and court costs. He asked if they would impound vehicles, or what they were going to do to get this situation corrected.

Councilmember Kling said it was a double-edged sword, that they would be getting into personal property rights, and if they were overextending themselves. He said he was not advocating this, that he was kind of leaning against it, but he thought it merited at least being looked into, and the Council could say thumbs up on it or thumbs down and move on from there.

Mr. Riley said it was a practical consideration, that the Council could pass an ordinance concerning it if it wished. He said this was not the first time these things

had been considered. He said he had not done a deep dive into this, but there were practical considerations because when they declared something illegal, they would have to enforce that law, and that could be problematic, and they also had the possibility of unforeseen consequences, that if they said persons could not be parking in their yard, what would they do if, for instance, they lived on a roadway where there was not the ability to park, say it would be a four-lane road, such as Sparkman Drive or Bob Wallace, any of those roads where there would be no place to park. He said that then there might be the situation where they would say they could not violate the law, and they would pave their front yard, so they would not be parking in the yard anymore. He continued that he believed that was a consequence they did not want to happen, because they would have then lost the green space, that there would just be parking lots. He said he was aware that this had been looked into before he became City Attorney, and there had not been a determination that that was the way they needed to go on this matter.

Mr. Riley said he was certainly willing, in concert with Mr. Erwin's Department, to look into this, but they needed to know there were considerations concerning this.

Councilmember Kling said he would be interested in seeing how cities around the country had handled this, but he was leaning against it, because he thought it might be overreach; however, they had had citizens contact them concerning this, and he thought the least they could do would be to give it a good-faith evaluation, to determine if it was something worth pursuing. He said he would like to see the turnaround time on notices accelerated, but he was not advocating this, that he was just saying that they should at least take a look at it.

Councilmember Little asked if there were any federal regulations they had to deal with, noting that they had mentioned state and local. He asked if they might

have a great idea, and they would not be able to use it because HUD, or whoever, would say they could not.

Mr. Erwin said due process was mainly the federal issue, that under Code Enforcement, HUD did not fund any of that, that it was funded out of the General Fund, so as long as they adhered to their City ordinances and State statutes, which they did, that those were the limitations.

Mr. Riley said it seemed he had heard that word, due process, in the news recently, and, at any rate, it seemed to be a relatively popular constitutional provision, and it not only operated in matters of national significance, but it operated all the way down to municipalities, that it was not a right to be taken lightly, that it was something he certainly took seriously, and he was aware that citizens took it more seriously, especially when it was their situation that was involving the exercise of due process, the requirement of due process.

Councilmember Little said it seemed that when these matters got before the Council, they had done everything they could, and a lot of times the out-of-state owners were the issue, getting in contact with them, or the change in ownership of the property. He said if he had a blighted property and notices were put on him, and he then sold his house, if they would have to just start all over, if the property was in the exact same condition, but they had a new owner. He asked if that was an issue they sometimes had to deal with.

Mr. Erwin said it was sometimes an issue, that if there was a new owner, they had to give the new owner the appropriate time as the previous owner before they could take any action.

Councilmember Little asked if that could be changed with an ordinance, so that the notice would stay with property, regardless of the owner.

Mr. Erwin said he was not sure on that, noting that they would be depriving

the new owner of the opportunity to make the corrective action.

Councilmember Little said they would know when they bought the house that they were buying a blighted property, and they would have so many days. He said he was just asking if there was any way to speed that up, and he said he guessed they were back to due process.

Mr. Riley said it was due process, and a lot of it would depend on where they were in the process. He said where there was an assessment or something where they addressed an issue, and then they would get to the point where they abated the problem, and they had assessed, and then it would come of record, that would apply to future owners, because they, in doing their title search and everything, would buy that property subject to those things of record. He said that, unfortunately, the difficulty Mr. Erwin encountered was that he had a procedure, that whenever the municipality did something, they had to basically be first empowered by the State to do that particular function of government, and when the State empowered them to do it, they had to operate within certain guidelines, so their procedures and the time involved was usually a balancing act against the rights of the person who was accused versus the rights of neighbors and the municipality. He said it was this balancing act that made it a problem from time to time, but it was one they had to deal with.

Mr. Riley said another aspect they had was that they found people who were gaming the system, that they were doing things like what Mr. Erwin encountered all the time, that he was required on certain things, such as junk, to go out and give a notice they needed to clean up their junk, and he had to provide them, by the ordinance, a certain period of time, and these people had learned how that game operated, so if it was 30 days, they would jump out there on about Day 28 and take care of the problem, and Mr. Erwin's department would go out and check, and the problem would have been resolved. He said one of the cases they had pending at this

time involved that kind of situation, where every time they would go out to address the situation, with this person who was using his yard to operate a business, covering his yard with parts of that business, that person would successfully work the system. He said the value of the Circuit Court action was that they would be able to get that in and get it under control, that the Circuit judges had much more of an arsenal of remedies available to them, so they could address that type situation.

Councilmember Little asked if most of the inspectors' work was responding to complaints or if they patrolled like a police officer who was not on a call but just riding around.

Mr. Erwin said they were patrolling, surveying every street within their district, daily, when they were not responding to complaints or See/Click/Fix issues, that they would ride around and proactively find issues that needed to be addressed.

Councilmember Little asked, concerning the AI, the cameras, if they were in the vetting stage on that. He said he had learned about this at a conference a couple of years ago, and he thought it was exciting.

Dr. Lowe said there was a company he thought was the only one addressing this, and they had a proposal from them, and they had run it through Procurement and Legal. He said there were other people who claimed they were doing machine learning that could do these type things, so they were kind of in the state at this time of if they needed to go out for a full open bid for this or could they sole source it. He said his opinion on this did not matter, but they were running it through the proper channels to see what they had to do, that they were actively trying to get this as something the City would be using.

President Meredith said to Dr. Lowe that his opinion mattered, that he was the CIO.

Dr. Lowe said he was for sole source, that they should go.

Councilmember Little asked how they would deal with privacy issues, if it was kind of like Google Earth, that he could look at the street view of his house, and he could see his kid playing basketball, but it was all blurred out. He asked if this would work the same way.

Dr. Lowe said it blurred out humans, and it blurred out license plates as well, that they took action for privacy, that it was really about the structure, that that was what they were focused on.

Councilmember Little said he thought that would be a huge asset, that he hoped they would get to the point of approving this soon, if they had to approve something like this.

Councilmember Robinson thanked Councilmember Little for requesting this session, noting that they had had a lot of meetings, kind of one-offs, on different subjects, and this had pulled it all together and provided an opportunity for everybody to learn about what they had been discussing all this time.

Councilmember Robinson said she had done some quick math, and it looked like 65 percent of all the citations issued resulted in voluntary compliance, and she asked if that was correct, or something in that neighborhood.

Mr. Erwin said the way they measured voluntary compliance was that it was brought into compliance upon re-inspection. He said there was some compliance that was after that re-inspection, that it was higher because there were some who would bring it into compliance before it would get to court, but it was not in compliance when it was re-inspected.

Councilmember Robinson said that still told her that when people got citations, they would act on them, or the majority would.

Councilmember Robinson said she thought one of the most important organizations they had in the city was the Huntsville Council of Neighborhood

Associations, and she said that every year or so, they gave the Council a list of their concerns regarding Code enforcement, and it was always the same 15 things, the grass and weeds, the junk, property degradation, and some other ones were the curb and gutter. She said there was a curb and gutter ordinance, but Mr. Erwin's department did not enforce that, that that was Public Works.

Mr. Erwin said that was correct.

Councilmember Robinson said it was an ordinance that was difficult to enforce. She said the danglers were always a concern, and she thought IT handled that, and then mailboxes that leaned out into the road. She said those concerns came from the Council of Neighborhood Associations, with their concern about lack of enforcement.

Councilmember Robinson said if 65 percent of folks voluntarily fixed these things once they were made aware of them, or knew the City was aware of them, if they could escalate enforcement by issuing more citations, they would get more things taken care of, and it sounded like they had a way to do this without hiring more inspectors, and let the inspectors do the hard stuff. She said she thought this was a great solution, and like Councilmember Little, she was wondering when they could get a contract, how fast they could get a contract to do this, to free up the inspectors to handle the hard stuff and to just get citations issued so people would fix what they needed to. She said that would address a lot of the concerns the Council of Neighborhood Associations had regarding enforcement.

Councilmember Robinson asked Dr. Lowe, when he was looking at the specs for what to spot, to please add the danglers, curb and gutter, mailboxes, and some of the other concerns. She said he might want to look at the list she had mentioned.

Councilmember Robinson asked what percentage of the out-of-town owners resulted in voluntary compliance, as opposed to forced compliance.

Mr. Erwin said he believed that was rarely for the out-of-state owners.

Councilmember Robinson said that was exactly what she would expect, that they were not in the city, that they did not care because they were not part of this community. She asked how they could make them care, if they could require that they have someone local to manage their property.

Mr. Riley said this was where they would get the "on the one hand" and "on the other hand" answer, that there were not solid "yes" or "no" answers to a lot of these questions, and that was why there were courts, where people argued about individual rights versus the rights of municipalities.

Mr. Riley said what Dr. Lowe had brought up was very interesting, and not just from the fact of the technology involved, but how they got into sub-issues, for instance, if they were going to allow the artificial intelligence to issue the actual citations, and if so, how they would call Mr. Artificial Intelligence in to prove the case, or whatever, that sort of thing. He continued that beyond that sort of situation, he thought that idea had great possibility, if for no other reason than to provide additional information to the enforcement staff, that rather than riding all over in all kinds of neighborhoods on a set system, they would receive the information a mechanical device would have done, and they could focus their efforts on where they knew there was a problem, so the efficiency of the human beings involved could be maximized by this.

Councilmember Robinson said she agreed with that, which was why she felt it should be the faster they could do this, and also make sure they were targeting issue areas of concern. She asked, in regard to out-of-town owners, if they could require them to have someone locally who would respond to a citation.

Mr. Riley said that was an issue they would have to look into, because there might be equal-protection-of-the-law claims that would be made if they were

expecting something out of a particular person just because they were an owner out of state. He continued that they might ask why they were having additional obligations or additional requirements that someone who lived in the state did not have. He said they would need to look into these things, but these were things to consider. He said that, obviously, they still had the same problem, that before they could get them to comply with that particular request, they would have to get their attention, that they would have to get them involved, and he said this was where this methodology Mr. Canupp had been utilizing on their behalf was to great effect and allowed them to obtain what was called "in rem jurisdiction," where the Circuit Court could gain jurisdiction over that entity because they owned property in the state, that they could get that jurisdiction in a way the Municipal Court could not.

Councilmember Robinson said it sounded like that had been successful with short-term rentals, and she was impressed with the work they had done. She said she would love to see this used similarly in these other cases, to force out-of-town owners to take care of their properties.

Councilmember Robinson said they had worked for a while on some kind of rental registry, and she asked where they were with that.

Mr. Riley said the last thing they had with that was to try to incorporate it into the business licensing process, and that came under Penny Smith's purview. He said he was not sure exactly where they were on it, that he knew at one point, they were awaiting some change in computer capabilities, programs that would enable them to expand that. He said he would certainly look into that and see where they stood on it.

Councilmember Robinson said, concerning the grass, that she thought they had a 10-day notice on it.

Mr. Erwin said the issue was with the mail service, which they depended on to deliver the notices. He said that even with a 14-day notice, they were having, in

some cases, the situation where the owner was not receiving the notice in time to bring it into compliance. He said they had done a trial on a 10-day notice, but based on weekends and following up, the re-inspections, that had become an issue; and, also, the people were not receiving the notices in a timely manner, and if they did not get the notice, it was difficult for his department to go out and hold them accountable and bring the property into compliance .

Councilmember Robinson said she supposed they would not have email addresses for everyone.

Mr. Erwin said they were stuck with just the property address or any other public record, such as the tax assessment and things like that.

Councilmember Robinson said she was in agreement with Councilmember Kling on this, that she would like to see that time shortened, if they could determine a way to do that.

Councilmember Robinson said a question had come up concerning vertical grass versus horizontal grass, and they had the 8 inches for vertical grass.

Mr. Erwin said that was correct, for a platted subdivision.

Councilmember Robinson said that was for vertical grass, and she asked if it was correct that they did not have any ordinances regarding grass growing out onto curbs, or if the new curb ordinance covered that.

Mr. Erwin said that would be Public Works, on the curb ordinance. He said he had looked at that, but he was not sure of the answer to the question.

Councilmember Robinson said this was something that needed to be addressed. She said they dealt with health and safety standards, and if they had 8-inch grass, they had critters in there, so that was a safety issue. She continued that if they had horizontal grass growing out into the gutters, that could block drainage, and then there would be a drainage issue. She asked that they look into that.

Councilmember Robinson said she was pleased that bamboo was now designated as an invasive species, and that was the reason they could start looking at it. She said bamboo had been an issue for some of her constituents because their neighbor's bamboo had grown into the pool and punctured the pool lining, and someone else had it go under the foundation of their house, that it could be really destructive. She asked if this was something they were moving forward with.

Mr. Erwin said it was if they could come to the abatement remedy, what it looked like, because it was so invasive. He said there were private party issues, what role government played in that process. He said they were trying to iron out these issues, looking at other communities and what the best practice was, what they had had success in doing.

Councilmember Robinson said, in regard to nuisance buildings, Mr. Erwin had mentioned the Minimum Housing Standards, and she said she did not know what those were, but they had them, and she said Dr. Lowe had mentioned the Blight Index, so it sounded like they might have more clarity on how to deal with nuisance houses, noting that they were working on one in her area. She said they had seen houses that had been sitting for five years because of issues in courts.

Mr. Erwin said what was new was what Mr. Canupp had been doing through the Circuit Court. He said they could get people served in other states, and they had to appear before a local jurisdiction judge, and if they failed to do so, then, in absentia, they could have the case heard, and the Circuit judge could enter an order that the City could tear down, abate, that they would have a legal remedy they had not had previously, because when they got to Municipal Court, there was no enforcement action they could do to correct the violation.

Councilmember Robinson said that was great news, and she would love to see all that move forward.

Councilmember Robinson said, concerning notices regarding grass and junk and nuisance properties, they had some frequent flyers, and they all knew who they were. She asked if there was any legal remedy, punitive fines, for repeat offenders.

Mr. Erwin said that, as he had said earlier, Mr. Riley's staff had advised him there was not a provision for a fine for what they did, that they could only recoup their expenses for bringing property into compliance.

Councilmember Robinson said some of these people were basically slumlords.

Mr. Riley said that, again, it would depend on which of their enforcement mechanisms they were using. He said Mr. Erwin was doing the abatement process, and the other side of the coin was, of course, the criminal or pseudo-criminal or quasi-criminal that happened in Municipal Court. He said there was a tendency on the part of judges there to accelerate, like, if there was a maximum fine, they would not start on the first offense with the maximum fine, but repeat offenders worked their way up the ladder to where they would get to that. He said the only problem was that the maximum fine was not enough of an incentive to a defendant to discontinue the behavior, that there was just not enough clout there to get the message across. He said when they saw someone who would rather sit in jail for a year than to just take the required reasonable action, he did not know how they could deal with it.

Councilmember Robinson said someone had mentioned they were working on something like this for commercial properties. She asked if it was correct that all the Codes applied equally to commercial properties and residential properties.

Mr. Erwin said it was the same criteria for residential and non-residential structures.

Councilmember Robinson said, with regard to parking on lawns, she had spoken to one gentleman who had a lot of interest in this, and she had suggested to him that all their Codes focused on health and safety, and she had asked how parking

on lawns impacted the community's health and safety, and he had made the point that it could be that it tore up the yards, and mud went down into the streets, and that could result in a safety issue.

Councilmember Robinson said one of the arguments concerning this was that older neighborhoods that had small frontages and short setbacks did not have the space for parking. She asked if they were to create a parking on lawns ordinance, it could take into account frontages and setbacks. She said that would not be equal protection under the law, that it was just a thought. She said another thing that had been brought up was if it could apply to long-term, not if someone had guests coming to a party, and there would be no other place for them to park other than on the lawn, but if they could they have an ordinance concerning long-term parking on a lawn, which could over time create issues for the neighborhood. She said that might be something to consider as they looked at this.

Councilmember Robinson said that was all she had, and she thanked the presenters for the great information.

President Meredith asked what the trigger was for taking the Circuit Court route over Mr. Erwin's route.

Mr. Erwin said they were working their way through this, that it was ultimately when they were not able to gain compliance, that there were several of them, the ones that did not get to the level of a public nuisance that they could tear them down, under the Council's authorization, but there was a continually deteriorating product, and they had exhausted every avenue. He said they were doing this case by case, to make sure they were on solid footing and it was working, and so far, it was, and they would use this more and more often as they moved forward.

President Meredith said that, then, this would be after the other alternatives had been exhausted.

Mr. Erwin said that was correct.

President Meredith said these would be non-structural, so they would not fool with the abatement process, that they would move directly to the Circuit Court.

Mr. Erwin said that was correct. He said if it was 100 percent, they would pursue the public nuisance, that he was talking about the ones that were perhaps 45 to 65 to 70 percent. He said they would likely be depriving someone of their property rights and property value by doing a demolition, so it needed to be corrected, but it was not a public-nuisance candidate.

Mr. Riley said he did not want to give the impression that they exhausted all remedies available going the normal route, that it was a judgment call, frankly, that they looked at certain situations, and they would say they did not have a remedy, with their ordinances and all, that would address it. He said one that came to mind was when they had a house sitting in an otherwise nice neighborhood, and there was an out-of-state owner, or whatever, and the house was just being allowed to deteriorate. He said they had limitations, with their process, in getting the owners to confront them, and that was where they had been successful, and they had one of these pending at this time. He said that because they were using that Circuit Court remedy, they could get them before the Court, and within the jurisdiction of the Court, and it opened a lot of vistas when they could do that, because these persons could not continue to ignore them.

Mr. Canupp said there might occasionally be situations where a nuisance was so dangerous, or such a threat, that going through the normal process would just be too slow, so there had been occasions in which they had done that.

President Meredith said it was his understanding that by the City of Huntsville Ordinances, "overgrown grass" was defined as 8 inches.

Mr. Erwin said on a platted subdivision, that was correct, and on a

non-platted subdivision, it was 12 inches.

President Meredith asked if an HOA could redefine a weed to 6 inches, and then send notices to the residents in their community that they had overgrown weeds, and they were going to fine them if they did not cut them, but it was a standard that was higher than the City's.

Mr. Erwin said as a property owner who lived in an HOA, he had agreed to abide by those rules in terms of that HOA, and if he failed to maintain whatever the neighborhood had adopted, then he would be subject to the regulations of the HOA, so he could be fined for failing to maintain his property, based on what he had agreed to by living there.

Mr. Erwin said his department had nothing to do with HOAs, that they were only making sure they enforced the City's ordinances.

President Meredith said, then, a covenant could be changed after a resident moved in, that when they moved in and signed all the paperwork, the definition was 8 inches, but then the HOA would decide that was too high, and they were going to make it 4 inches, but he had not signed off on that, that it was not part of the covenants when he moved in.

Mr. Erwin said this would be an issue between the property owner and the HOA, not the property owner and the City.

President Meredith said part of the problem was that they had developers that never turned over the HOA, and they had HOAs that did not hold annual meetings, so they were essentially being held hostage by an HOA that did not have a meeting, that they could not appeal a fine to, that they were setting their own standards.

Mr. Riley said a lot of what could be done was a byproduct of the formative documents of that HOA, and, generally, they were going to allow themselves the capacity to do so. He said it was just like they saw homeowners associations down on

the beach, where they could do an assessment. He said when someone had bought into the HOA, or condominium association, they might have agreed to do "this much" of an assessment, but the HOA had reserved unto itself the right to make changes as circumstances changed.

Mr. Riley said this was a situation that was generally not the City's purview, that it would be between the HOA and the people in the HOA, that it was sort of a private dispute, and the City would not come into enforcing it.

President Meredith said he totally understood that, but, again, it was the issue of things being changed without any input from anybody that had signed the covenants, that the covenants were changed, and he did not agree to that, and they did not have an annual meeting, so there was no discussion that this was going to happen or they were considering it, that it was just dumped on them, and at this point, it was like, "We are an HOA. Sorry."

Mr. Riley said he was wondering if the initial formational document had any sort of obligation that the control of the HOA had to be turned over to the residents.

President Meredith said they did, but then they had all these additional phases, and, basically, it was 50 years of the developer controlling the HOA.

Mr. Canupp said that from what he heard, it was not uncommon for the City to get complaints about HOAs, and, unfortunately, the advice that had to be given was persons would have to get a lawyer and potentially file a lawsuit against their HOA, which was definitely a remedy that was available.

President Meredith said, concerning the predictive AI, the cameras on the garbage trucks, that they had mentioned at least three different functionalities of the cameras, with the functionality depending on where the cameras were located. He asked if all these cameras could be put on a truck and all these three different functionalities occur, or if it would be only one functionality per truck.

Dr. Lowe said the objective would be to outfit all the trucks with all the functionalities, that on one run, they would be getting all three of those results.

Mr. Erwin said there was one thing he had forgotten to mention, and he said whenever they went on a property and there was a fence, say the property owners had placed a fence all the way around it, that was an expectation of privacy, and they were not authorized to go beyond that, but there was a remedy Mr. Canupp had explained, an administrative warrant, which would allow the Circuit level to authorize them to do that, so that was another avenue, which was new, that would allow them to breach a fence and go in and bring the property into compliance.

Mr. Erwin said to leave them with a situation in Councilmember Kling's district, a gentleman had died, and his only heir was his brother, and his brother was in an institution in South Alabama, so there was no one to maintain that property. He said he guessed someone was paying the taxes, and the State had an interest in the property, and they did not know who to hold accountable, so they had watched the property deteriorate. He said it was not to the level of a public nuisance. He continued that he was not sure who they could file a lawsuit against, since the State had an interest, and the individual who was incapacitated had an interest, with the caregiver being the State. He said these were unusual circumstances, and they wanted to make sure they were as responsive as they could be on this.

Mr. Riley said he guessed there was one more issue, that on the administrative warrant, it was a new idea but not a new idea, because it was an idea that had existed, and it had been approached a number of times in his office, but the determination was made that it needed to be a legislative issue, and so far, they had not been able to gain purchase with the Legislature. He said Mr. Canupp had a belief that they could do that via ordinance, and had apparently done that, or written ordinances with other municipalities in the state.

Mr. Riley said they were exploring that, because it would make things a lot easier for Mr. Erwin and his staff if people could not throw up a fence and keep them out. He said even if they could see through the fence, they could not get in there to assess the situation. He said they would have the argument of the curtilage of the residence and all that, that there were a lot of issues that came into these things, but an administrative warrant would certainly be a real helpful thing, that it would enable them to be able to get in and properly assess properties which might very well be unsafe and able to be demolished because of a decline in their condition.

Councilmember Kling asked Mr. Riley if there was any differential between something like a four-foot fence that one could see over and maybe something like a chicken wire type fence versus a seven-foot tall, wooden fence, like if he could easily see the yard and the problems in it.

Mr. Riley said there was some differential, as far as those different things, but they still could not go in there, that there was an expectation of privacy, that even though he would be looking at it, he could not just gain entrance.

Mr. Riley said if they went the Circuit Court route, they might could do that, because as one of their reliefs, they could request of the Court an opportunity, or a Court-directed privilege, of going inside there, gaining access. He said when a court gave them an order empowering them to do something, they did not have to worry about being sued, but when Mr. Erwin would make an independent decision, or his people would make one, and they would say they were just going to hop the fence and head in, then they would suddenly have someone saying they had violated their constitutional rights. He said this was another value of the Circuit Court process they were able to utilize, getting a court to insulate them and give them the authority to do something beyond what they might otherwise be able to do.

Councilmember Kling asked about someone putting a one-foot tall, long

edging along the front of their house and arguing that it was a fence. He asked if the City would be hamstrung on that while the neighborhood suffered.

Mr. Riley said he could not answer that question, but he did not think if someone had just put an edging around, that would be the same as a fence. He said he did not know that there would be an expectation of privacy, that that would be an issue for someone to decide, if it was an expectation of privacy.

Mr. Erwin said the presence of a fence would not stop them from issuing a notice, that the presence of the fence kept them from going beyond the fence to actually cut the grass, and abate it. He said they would always be able to issue a notice, that it was just cutting the grass.

President Meredith thanked the presenters, noting that it was wonderful information.

ADJOURNMENT.

President Meredith said the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK

(Meeting adjourned at 11:15 a.m. on May 30, 2025.)