

HUNTSVILLE CITY COUNCIL MINUTES
Regular Meeting - September 26, 2024 - 5:30 p.m.
City Council Chambers, Municipal Building
Huntsville, Alabama

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

Mayor: **Mr. Tommy Battle**
City Administrator: **Mr. John Hamilton**
City Attorney: **Mr. Trey Riley**
City Clerk: **Ms. Shaundrika Edwards**

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

The invocation was offered by Chaplain Ethan Ryan; the National Anthem was performed by Captain Stephen Anderson.

APPROVAL OF THE AGENDA.

The agenda was approved as submitted.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS.

President Little said the Council members had been provided copies of the minutes of the Regular Meeting of the Council held on September 12, 2024, and the minutes of a Work Session of the Council held on September 19, 2024, and the minutes were approved as submitted.

MAYOR: SPECIAL RECOGNITIONS.

Mayor Battle and **Matt Mandrella**, Music Officer, recognized Stephen Anderson for his contributions to Music Month, including the rendition of the National Anthem.

Mr. Mandrella said for contributing to a more inclusive, inspired, and

creative music environment and enhancing the quality of life for citizens and visitors, he was presenting a Certificate of Commendation to Captain Anderson.

Mr. Mandrella said the Valley Conservatory was one of the premier music education facilities in the country, and they were very blessed to have Dr. Renee Collins-Williams leading the charge for music education, and for contributing to a more inclusive, inspired, and creative music environment and enhancing the quality of life for citizens and visitors, he was presenting this Certificate of Commendation.

COUNCIL: SPECIAL RECOGNITIONS AND RESOLUTIONS.

Resolution No. 24-703, honoring Kenny Anderson, the Director of the City of Huntsville Office of Diversity, Equity, and Inclusion, for his accomplished career and his decades of service to the community.

**Moved for Approval by Robinson/Seconded by Meredith/
Unanimously Adopted.**

(RESOLUTION NO. 24-703)

Councilmember Meredith read from the resolution, thanking Mr. Anderson for his decades of extraordinary service to the community and to the City of Huntsville. He presented the resolution to Mr. Anderson and congratulated him on his retirement, acknowledging with gratitude the many accomplishments achieved during his distinguished career.

Mr. Anderson said it had been a pleasure and a privilege to serve the community during his time with the City, and being able to move across every sector of the community to plant seeds so all could have a better quality of life, and he said he would continue to do this in his retirement. He thanked everyone for their support over these many years.

Mayor Battle said they had been in the process of finding a replacement for Mr. Anderson, and they had quickly come to the conclusion that he could not be

replaced. He said Mr. Anderson had done a wonderful job for the City, and it was certainly appreciated, that he had made the community a better place.

PUBLIC HEARINGS TO BE HELD.

Public Hearing on authorizing Community Development to assess the cost of cutting overgrown grass and/or weeds against certain properties.

Mr. Scott Erwin, Manager of Community Development, said this was a public hearing on assessing the cutting of overgrown grass and/or weeds against 25 properties, in the amount of \$7,308.79, with an average per property of \$292.35, and the owners of 16 of the properties being in the city limits of Huntsville and the owners of 9 being outside the city limits of Huntsville.

Public Hearing Opened.

Mr. Joseph Nouri appeared before the Council, concerning property at 3603 Drake Avenue. He said the grass on his property had already been cut, and Community Development was claiming they had cut it. He said at the Council meeting two weeks prior, Mr. Erwin had presented some slides depicting his property that showed the grass was cut on July 29th. He said he had cut the grass on July 30th and a week prior to that. He said he had photographs of the grass he would like to present to the Council, and he would also like to present the photographs Community Development had shown the Council.

(Submission by Mr. Nouri.)

Mr. Erwin said he did not have the complete file in front of him at this time, but he could tell the Council that on or about July 15th, the property at 3603 Drake Avenue was in violation of the grass and weed ordinance, so after 14 days, they had issued a work order, because the owner had not brought the property into compliance, and on August 1, 2024, they had sent a neighborhood cleanup crew to

the property and had brought the property into compliance by cutting the grass. He said the amount of labor and equipment to complete this was \$269.31.

Public Hearing Closed.

Resolution No. 24-704, authorizing Community Development to assess the cost of cutting overgrown grass and/or weeds against certain properties.

Moved for Approval by Robinson/Seconded by Kling/Unanimously Adopted.

(RESOLUTION NO. 24-704)

PUBLIC HEARINGS TO BE SET.

Resolution No. 24-705, to set a public hearing for suspension of licensure for confidential tax-related Case No. 398, **at the October 10, 2024, Regular Council Meeting.**

Moved for Approval by Robinson/Seconded by Kling/Unanimously Adopted.

(RESOLUTION NO. 24-705)

AGENDA-RELATED PUBLIC COMMENTS.

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

Ms. Joy Johnson, 709 West Arbor Drive, Huntsville, addressed the Council, having signed up to speak concerning "20.r Solar."

MAYOR COMMENTS.

Mayor Battle made the following reappointment:

Mark Moore to the Human Relations Commission, to his current seat, for a four-year term to expire September 24, 2028.

Mayor Battle said this was Cyber Security Week, and the National Cyber Summit had been held in the city, and it had been fascinating visiting with them and learning how they were using the cyber world to make everyone more efficient and a little smarter.

Mayor Battle said TARCOG had held their annual meeting during the week with North Alabama government officials. He continued that the Civic Engagement Academy had started, and the South Star Music Festival would be held on the upcoming weekend at John Hunt Park, and it should be a great event for the city.

COUNCIL MEMBER COMMENTS.

Councilmember Meredith congratulated Councilmember-elect Michelle Watkins and School Board Member-elect Chaundra Jones. He said it would be a sad day when their colleague who was currently serving on the Council had to depart. He said to Councilmember Keith that it had been a pleasure working with him, that he had taught him a lot, and he appreciated him and his service. He said he did not live in District 1, but some good things had been going on in District 1. He wished Councilmember Keith the absolute best in the future.

Councilmember Robinson said she would also offer her congratulations to everyone who had run for office in the city, that she admired anyone who was willing to offer themselves out for public service. She said to Councilmember Keith that he had done wonderful work in District 1, and she looked forward to seeing Ms. Watkins build on the foundation he had laid.

Councilmember Robinson said she had visited with the Chaffee Neighborhood

Association meeting recently, noting that this was one of the oldest, largest, and most active such organizations in the city. She said Mayor Battle had spoken at the meeting, and everyone was excited about the work being done in the city.

Councilmember Robinson said she had the opportunity to join Freedom Real Estate in celebrating its 10th anniversary with the opening of its building at Hays Farm. She said there would be a Hays Farm update at Grissom High School on October 8, at 5 p.m.

Councilmember Robinson said that on October 23, at 6:30 p.m., she would host her final town hall of the year, and there would be an update on the Sandra Moon Complex.

Councilmember Kling said a lot of good things had been taking place in the community, and he wanted to give a shoutout to Public Works, noting that they had resurfaced School Street downtown, which had been a long-standing problem. He said one thing he was happy with in the proposed budget was the amount being provided for road resurfacing, as well as sidewalk repair, maintenance, and expansion throughout the city.

Councilmember Kling said to Mr. Kenny Anderson he had been a great person for the community, that he had helped a lot of people, and particularly himself, with the outreach to the Hispanic community in West Huntsville. He said this was very much appreciated, that it was breaking down barriers and showing that City government was for everyone. He said Mr. Anderson was leaving some large shoes and responsibilities for his successor.

Councilmember Kling said he had recently had the privilege of attending a Huntsville Police Citizens Advisory Council meeting, where HPD had given a presentation on their crisis intervention efforts. He said a large percentage of persons who were arrested or jailed had mental issues, and these were challenges that had to

be addressed, and the Police Department had special training and specialized personnel who had stepped up for this, and he commended Chief Giles for his efforts to make sure the department had been very proactive in this area.

Councilmember Kling thanked all the departments for the efficient work they did in handling the various issues he passed on to them.

Councilmember Keith asked everyone in the room to go through the time they had spent with him and every memory they had with him, and see the man he was at this time, and to recall all their interactions with him. He said no one man was a mug shot nor a monument, that they were not to be immortalized, that these seats were not theirs to hold forever. He said their lows did not define them, nor their highs, but the sum total of all the work and experiences they had in life. He said he sat before them a better man than when he had started when he was 26. He said the most important part was because of them being with him, his district did not look the same. He asked how much change had happened behind this sacred space called the dais, how much change had happened because a phone was picked up and an email was sent. He said the good and the bad had defined the difference in his district, and it just so happened to define who he was as a man. He said his hope to bring down the average age of this dais had happened, and, more importantly, he hoped introducing a different view had an impact as well. He said he was blessed to have met all of them, and this would not be the last time they would see him or hear from him, but he wanted to thank them. He said he had been blessed to be a member of the greatest City this side of heaven.

President Little thanked Councilmember Keith, and he said he had been very helpful to him over the prior two years, and he certainly appreciated that.

President Little said he would echo the comments that had been made about Kenny Anderson, noting that it had been a pleasure working with him, and he wished

him all the best.

President Little thanked all the departments who worked with him in responding to citizens' issues and concerns over the prior few weeks, noting he certainly appreciated their promptness.

President Little said he enjoyed the opportunity of visiting the Cyber Huntsville event, noting it had certainly grown over the years.

FINANCE COMMITTEE REPORT.

Resolution No. 24-706 , authorizing expenditures for payment.

**Moved for Approval by Robinson/Seconded by Meredith/
Unanimously Adopted.**

(RESOLUTION NO. 24-706)

Resolution No. 24-707, authorizing travel for Councilmember David Little to Montgomery, Alabama, October 15-18, 2024, for the Leadership Alabama Class XXXIV Opening Conference.

Moved for Approval by Robinson/Seconded by Kling.

Councilmember Meredith said he would like to get some clarification of this request. He said that, personally, he believed Leadership Alabama and Leadership Greater Huntsville were vehicles for personal growth, and, therefore, not a Council-related activity. He said he had also gone through Leadership Alabama while serving on the Council, and he had paid all expenses involved in this out of his personal money. He continued that it just seemed a bit arbitrary to cover President Little's costs at this time when his costs had not been covered. He said he thought this was a personal thing and not something that should be paid for with taxpayer dollars.

Councilmember Meredith said to President Little that he was not trying to attack him with this. He said he did not support using taxpayer dollars for

Leadership Alabama or Leadership Greater Huntsville.

Councilmember Meredith said if the Council did decide to do this, he thought it was something that should be offered to incoming people, whether it would be Ms. Watkins or anyone else, in the future, that they needed to let them know this was available to them.

President Little said he appreciated what Councilmember Meredith had to say concerning this. He said he felt like he would not have been invited if he were not on the Council, so he was looking at it as Council related, representing Huntsville with other people. He said he had gone through three programs of Leadership Huntsville, and he had paid for those. He said he understood what Councilmember Meredith was saying, and he had no problem with if another member of the Council got invited to participate in this, the travel budget would be used for it, noting that they went on the Chamber trip, and the City paid for that.

Councilmember Meredith said he was aware this was not the time for discussion concerning this, but he did not believe he was invited to be a part of Leadership Alabama because he was on the Council, noting that the efforts to get through this had started well before his service on the Council.

Councilmember Meredith said the Council could continue with this item, and he did not want President Little to think this was personal.

Councilmember Robinson said she thought Councilmember Meredith had brought up a good point, noting that when she was in Leadership Alabama, she was on the School Board, and their attorney at that time had said they could not use School System money to pay for Leadership Alabama. She said to Mr. Riley that the reason for this was that public money could not be used to pay for private benefit, and Leadership Alabama and Leadership Huntsville were considered private benefits.

Mr. Riley said he believed this was within the purview of the Council, as to

whether this expenditure constituted a public purpose or a private purpose. He said he had heard both sides of the equation, and he did not think it was a legal determination. He said if the Council wanted to make it a legal determination, they would probably need to send it to the Attorney General, for an opinion from the Ethics Department.

Councilmember Keith said when Councilwoman Akridge had gone on a mountain bike trail event, they had covered it, and he said if they wanted to write an ordinance that covered this, they could table this, and then come back with an ordinance covering specific outcomes that had to be met for any type of function that was covered by City travel. He said that would answer the issue for the future or for now.

Councilmember Robinson said perhaps they could table it just to get clarity on it.

Councilmember Keith said they had gotten into this same debate concerning what he had mentioned with Councilwoman Akridge, but they had covered it. He said they could write an ordinance that events would have to have a certain outcome, and these were events they would consider a public good, for any Council member coming in.

Councilmember Kling said they had had City employees participate in Leadership Huntsville, and he asked if it was correct that they were allowed to take time off from work to participate in those functions because it was part of the betterment of the employee.

Councilmember Meredith said that to him, there was a little difference between Leadership Huntsville and Leadership Alabama because he thought Leadership Huntsville was good for the City employees to be a part of because it exposed them to other things in the city of Huntsville and other municipalities they

had to work with. He said that, for instance, in District 5, an employee would need to have relationships with Athens Utilities, with the Water Authority, and with the Harvest-Monrovia Water Authority. He said he thought there was a public good for those employees to be in Leadership Huntsville, but he did not know how much public good an employee would get out of going down to Montgomery and seeing things there.

Mr. Hamilton said the way they had done this to date was they had had employees in this, on what they considered to be a City training expense, and to attend both. He said they did not get to go just because they wanted to, just because they thought it would be good for their resume, that it was their department head, as well as leadership in the Mayor's office, determining they were in a position where it would be beneficial to them to come back and use it in their job. He said they were not sending anybody just because it would be a fun thing for them to do, that it was where they had determined there would be a benefit from what the employee would learn in that class, and also what they would teach their fellow students, noting that much of the value in that program was not in what they would hear from the speakers coming in but what was shared amongst the students. He said everybody in that class was there because of a reason, in terms of what they might contribute. He said they really liked to send senior leaders out of the Police Department, so they often had police captains or deputy chiefs in those programs, because it was a two-way street, in terms of the learning and exposure that might happen. He said they sent people who were in a position that it mattered to the City, and they could then use that for the good of the taxpayers.

Mr. Hamilton said he would disagree with Councilmember Meredith in terms of the value, that while there were a lot more positions within the City employee pool where the local program was most valuable, there were a few key positions where they

saw value in sending those employees to the State program as well, because they would be engaging with counterparts from other cities and learning things, and vice versa. He said if they sent their police chief, there would be a good chance he would be talking to a police chief from another city and exchanging notes. He continued that this would not be just an employee, that it would be people in key leadership positions, where there were things they might gain from other cities throughout the state or from things they might learn from the Legislature or from the governor. He said in that program, they were exposed to significant leaders from across the entire state, and where people were serving at that level within the community, they could bring that level of relationship and knowledge back and serve the citizens. He said he thought the most important point was that it was not for their own personal gain, that it was so they could use the knowledge on behalf of the taxpayers.

Mr. Hamilton said there were lots of examples of their sending employees to the local program, and there were a smaller number that they sent to the state program.

Mayor Battle said he could go back probably 20 or 30 years, and the City had paid for both elected officials and appointed officials to go to Leadership Huntsville, and also to Leadership Alabama. He said one of the biggest problems they had was that they were 3½ hours from Montgomery, so they did not have enough time to interact and get to know the people in Montgomery. He said he had attended many of these programs himself, and in each one, he had learned something to bring back to the community. He said he had valued that himself, and he had valued it as other people went through these programs and came back and said there were some things they needed to start looking at, to see how they could get a little better. He said this was really a very low cost for the information that was brought back from all over the

state on how the city could be made better, and he thought there was value in what they could learn statewide from each other through this process.

Councilmember Robinson said her concern was that between employees and elected officials, they had a different ethical concern sometimes. She said it might be worth holding this until the next meeting of the Council so they would have an opportunity to look into this. She said she felt badly that this conversation had not been held privately with President Little before the meeting, and they probably could have avoided all this.

Motion to table consideration of Resolution No. 24-707 until the next Regular Meeting of the Council on October 10, 2024.

Moved for Approval by Robinson/Seconded by Little.

President Little said in the local Leadership organization, where he had attended several of their programs, it had allowed him to have the opportunity to look under the hood of the City, and a lot of people did not get that opportunity, and that with this, he would have the opportunity to look under the hood of the State, and learn a lot of the things from other cities, and interact with other people as to what they were having success with or challenges with. He said that was totally the way he was looking at this experience, to bring back knowledge, and also to wave Huntsville's flag. He said in years past, there had not been a lot of representation from Huntsville, and he thought the current class had about eight people going, and he was honored to be a part of this.

President Little said he would apologize for this, that he had not thought it would be an issue.

Mr. Riley said he would like to add something, legally speaking. He said this was a decision for the Council to make, but he certainly thought he could easily make an argument in support of it being a valid public purpose, because as he had listened

to the discussion, he had recalled that when he first came on as City Attorney, he had participated in one of the local Leadership programs, and it was of immense value to him in the ability to learn about the city he was trying to serve, and he said the same thing would apply to learning about the state and how things were done there and how they could connect with them. He said he certainly would not shy away from that position, but it was a decision they could make for themselves,

VOTE ON MOTION TO TABLE: Unanimously Adopted.

BOARD APPOINTMENTS TO BE VOTED ON.

Motion for consolidation and adoption of items 15.a through 15.m.

**Moved for Approval by Little/Seconded by Kling/Unanimously
Approved.**

Consolidated Items:

Resolution to reappoint **Acacia Moore to the Beautification Board,**
Place 5 (her current seat), for a three (3) year term to expire September 30, 2027.

(RESOLUTION NO. 24-639)

Resolution to reappoint **Marta Buckman to the Beautification Board,**
Place 1 (her current seat), for a three (3) year term to expire September 30, 2027.

(RESOLUTION NO. 24-640)

Resolution to reappoint **Keith Buckman to the Beautification Board,**
Place 3 (his current seat), for a three (3) year term to expire September 30, 2027.

(RESOLUTION NO. 24-641)

Resolution to reappoint **Cathie Mayne to the Beautification Board,**
Place 6 (her current seat), for a three (3) year term to expire September 30, 2027.

(RESOLUTION NO. 24-742)

Resolution to reappoint **Pierce Coyne to the Beautification Board, Place**
2 (his current seat), for a three (3) year term to expire September 30, 2027.

(RESOLUTION NO. 24-643)

Resolution to appoint **Alexis Quinn to the Beautification Board, Place 7**, to fill a vacancy due to the resignation of Robin Dickinson, for the remainder of a vacant three (3) year term to expire September 30, 2025.

(RESOLUTION NO. 24-644)

Resolution to reappoint **Lisa Gardener to the City Tree Commission** (her current seat), for a two (2) year term to expire October 8, 2026.

(RESOLUTION NO. 24-645)

Resolution to reappoint **Jennifer Upton to the Burritt Memorial Committee, Place 12** (her current seat), for a three (3) year term to expire October 1, 2027.

(RESOLUTION NO. 24-646)

Resolution to reappoint **Richele Jordan-Davis to the Burritt Memorial Committee, Place 13** (her current seat), for a three (3) year term to expire October 1, 2027.

(RESOLUTION NO. 24-647)

Resolution to reappoint **Camillia King-Stanley to the Burritt Memorial Committee, Place 14** (her current seat), for a three (3) year term to expire October 1, 2027.

(RESOLUTION NO. 24-648)

Resolution to reappoint **Mary Kathryn Treusdell to the Burritt Memorial Committee, Place 15** (her current seat), for a three (3) year term to expire October 1, 2027.

(RESOLUTION NO. 24-649)

Resolution to appoint **Molly Ridgeway Moore to the Burritt Memorial Committee, Place 8**, to the seat previously held by Bart Bankowski, for a three (3)

year term to expire October 1, 2027.

(RESOLUTION NO. 24-650)

Resolution to appoint **Leslie Trippe to the Community Development Citizens Advisory Council, Place 2**, to fill a vacancy due to the resignation of Keith Klaus, for the remainder of a vacant three (3) year term to expire April 14, 2025.

(RESOLUTION NO. 24-651)

BOARD APPOINTMENT NOMINATIONS.

Nomination to appoint **Kent Ballard to the Alabama Constitution Village and Historic Huntsville Depot Board, Place 4** (his current seat), for a three (3) year term to expire June 26, 2027. (Meredith)

Nomination to appoint **Dr. Merrill Hudnall to the Animal Services Advisory Committee, Place 1**, to the seat previously held by Gail Lee, for a three (3) year term to expire September 9, 2027. (Little)

HUNTSVILLE UTILITIES ITEMS

President Little said there were no Utilities items on the agenda, and he asked Joe Gehrdes to provide an update on what the Council would be seeing on the agenda the following month.

Mr. Gehrdes said this was in the interest of alerting the attending and viewing public that they would be approaching the Council with an electric rate increase proposal in the month of October, a 5 percent increase across the board. He said that as they were aware, they had been meeting with them to explain the justification for this, noting that it was generally an increase in the cost of materials and the growth rate of the city of Huntsville, that these were the drivers for this request.

Councilmember Keith asked Mr. Gehrdes to comment on the proposed solar power facility.

Mr. Gehrdes said the only thing he could say about it was that it was in its very early stages, and, as he understood it, the only thing the item on the agenda concerning this would authorize the Mayor to do would be to pursue the property where they wished to build this project.

LEGAL DEPARTMENT ITEMS/TRANSACTIONS.

Vacation of Easements

Ordinance No. 24-710, authorizing the vacation of a Utility and Drainage Easement between Lots 66 and 67, Watson Grande Preserve Subdivision, Phase 6.
(Gregory)

**Moved for Approval by Robinson/Seconded by Meredith/
Unanimously Adopted.**

(ORDINANCE NO. 24-710)

Ordinance No. 24-711, authorizing the vacation of a Utility and Drainage Easement, Lot 8, Sunset on Green Mountain Subdivision.

**Moved for Approval by Robinson/Seconded by Meredith/
Unanimously Adopted.**

(ORDINANCE NO. 24-711)

UNFINISHED BUSINESS ITEMS FOR ACTIONS.

Ordinance No. 24-700, to adopt the City of Huntsville Annual Budget for Fiscal Year 2025, beginning October 1, 2024, which ordinance was introduced at the September 12, 2024, Regular Council Meeting.

Moved for Approval by Robinson/Seconded by Kling.

Ms. Penny Smith, Finance Director, made a presentation concerning the budget.

(Ms. Smith made a PowerPoint presentation.)

Ms. Smith said the FY25 Annual Budget was comprised of the General Fund,

that it was in the amount of \$328 million, and it was a balanced budget. She said it included all the expenditures that were appropriately included for operations within the City. She continued that they had two Enterprise Funds, which were Water Pollution Control and Sanitation, included in this budget, and numerous other special revenue funds, including Grants and the like. She said in the General Fund, Sales and Use Tax, she had put in there that that was a 2 percent over projected, and she said that was the largest source of revenue. She said, concerning Personnel, that the Council would be authorizing strength for the City of 3,261 jobs, employment level. She said it also included a 2 percent Cost-of-Living, Merit/Step Increases, Longevity Pay, a RSA Contribution Rate Increase, which the City took care of, and the City cost of health care above the Employee/Retiree Premiums. She said that included in this was a 7 percent increase in health care premiums for retirees and employees.

Councilmember Robinson asked if the 7 percent increase in health care premiums amounted to 3 to 5 dollars per pay period. She said she did not want anyone to get carried away that a 7 percent increase was a huge increase.

Ms. Smith said that as far as family, it was about \$8, noting that it depended on the plan that was chosen. She said if it was single-rate coverage, it would be about \$3, and a little over \$8 for family coverage. She said that with the 2 percent increase, it was well covered within the Cost-of-Living Adjustment.

Unanimously Adopted.

(ORDINANCE NO. 24-700)

Ordinance No. 24-701, amending Ordinance No. 89-79, to provide all eligible employees of the City of Huntsville a Cost-of-Living Adjustment (COLA), as reflected in the first pay period in the Fiscal Year 2025 Budget, effective October 14, 2024, which ordinance was introduced at the September 12, 2024, Regular Council Meeting.

**Moved for Approval by Robinson/Seconded by Meredith/
Unanimously Adopted.**

(ORDINANCE NO. 24-701)

Ordinance No. 24-702, to amend Ordinance No. 89-79, Classification and Salary Plan Ordinance, which ordinance was introduced at the September 12, 2024, Regular Council Meeting.

**Moved for Approval by Robinson/Seconded by Meredith/
Unanimously Adopted.**

(ORDINANCE NO. 24-702)

NEW BUSINESS ITEMS FOR CONSIDERATION OR ACTION.

(Items 20.a, 20.b, 20.c, 20.k, and 20.r were held from the consolidation.)

Motion for consolidation and adoption of the following items:

**Moved for Approval by Little/Seconded by Kling/Unanimously
Approved.**

Consolidated Items:

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Mauldin & Jenkins CPAs & Advisors, for the Choice Neighborhood Planning Grant Audit.

(RESOLUTION NO. 24-715)

Resolution authorizing the Mayor to enter into an Independent Audit Agreement between the City of Huntsville and Mauldin & Jenkins CPAs & Advisors.

(RESOLUTION NO. 24-716)

Resolution authorizing travel expenses.

(RESOLUTION NO. 24-717)

Resolution authorizing the acceptance of donations.

(RESOLUTION NO. 24-718)

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

(ORDINANCE NO. 24-719)

Ordinance approving appropriations, goods, or services for District 3 Council Improvement.

(ORDINANCE NO. 24-720)

Ordinance approving appropriations, goods, or services for District 5 Council Improvement.

(ORDINANCE NO. 24-721)

Resolution authorizing the Mayor to execute Modification No. 1 to the contract between the City of Huntsville and Schoel Engineering Company, Inc., for the Hays Farm Sports Park.

(RESOLUTION NO. 24-723)

Resolution authorizing the Mayor to execute Change Order No. 1 and Final to the contract between the City of Huntsville and Pearce Construction Company, Inc., for Construction Services for Fire Station No. 20.

(RESOLUTION NO. 24-724)

Resolution authorizing the Mayor to execute Change Order No. 2 and Final to the contract between the City of Huntsville and Chorba Contracting Corporation, for the Hays Farm Sports Park.

(RESOLUTION NO. 24-725)

Resolution authorizing the Mayor to execute Change Order No. 2 to the contract between the City of Huntsville and Fite Building Company, for the Public Safety Training Facility Phase II.

(RESOLUTION NO. 24-726)

Resolution authorizing an agreement between the City of Huntsville and CapitalEdge Strategies, LLC, for Consulting Services.

(RESOLUTION NO. 24-727)

Resolution authorizing the Mayor to enter into a Renewal Agreement between the City of Huntsville and Behavioral Health Systems.

(RESOLUTION NO. 24-728)

Resolution authorizing the Mayor to enter into a Workplace Solutions Agreement between the City of Huntsville and Cintas Corporation, for the rental of floor mats, mops, towels, and other related services.

(RESOLUTION NO. 24-730)

Resolution authorizing the City Attorney to settle the lawsuit of Shelby Daniels v. City of Huntsville, et al., Case No. CV-22-900388-CMC, in the Circuit Court of Madison County, Alabama (Claim FY21-050).

(RESOLUTION NO. 24-731)

Resolution authorizing the City Attorney to settle the workers' compensation claim of Jerome Kelley.

(RESOLUTION NO. 24-732)

Resolution authorizing the Mayor to make a grant application for 5307 Capital & Operating Funds and 5539 Capital Funds.

(RESOLUTION NO. 24-733)

Items Not Consolidated:

Resolution No. 24-712, to approve the City of Huntsville 1990 Capital Improvement Plan for Fiscal Years 2025-2034.

Moved for Approval by Robinson/Seconded by Meredith.

Motion to Amend Resolution No. 24-712 by increasing the amount assigned to Council Improvement Programs from \$375,000 to \$500,000, of which

sum \$100,000 would be assigned to each Council member. The source of said increase shall be a reduction of the Bridge Annual Program fund by \$125,000, bringing the Bridge Annual Program fund down to \$75,000 from \$200,000. Furthermore, upon adoption of this amendment, the Finance Director shall be authorized, without further action by the City Council, to make budget amendments to appropriate accounts for proper handling of the amounts approved herein.

Moved for Approval by Little/Seconded by Kling.

Councilmember Robinson asked how this amendment would impact the plans to move forward with bridge infrastructure, noting that this would remove 75 percent of this budget.

Mr. Hamilton said that each year, they allocated \$200,000 to this plan, and he said that for the next year and beyond, this remained at \$200,000. He said Ms. Martin used this money for her bridge maintenance program, and she allowed the money to build up, so she maintained an account there, for funding contracts for inspection of bridges, minor repairs, and things that were necessary. He said this typically would not fund a bridge that needed to be completely reconstructed, that that would be a stand-alone project that would be funded separately.

Mr. Hamilton said he would never say that moving money from one thing to another would not have an impact, that that was \$125,000 less in Ms. Martin's overall program, which carried forward, in a multi- year program. He said should the Council approve this amendment, he would work with Ms. Martin, and if they ran into a challenge, he would bring before the Council a solution to such challenge when it might arise.

Mr. Hamilton said that as the manager of this plan, his recommendation was that they would allow the plan to execute those things that needed to be done within the various districts. He said it was in the Council's discretion to set this up the way

they had, so they could certainly do that. He said any time they pulled money from one of those accounts, it would have some impact, and then his job would be to manage those impacts and find a solution if it was something that was not tenable.

Councilmember Robinson asked if since this would be coming out of a capital fund, it needed to be used for capital projects.

Mr. Hamilton said that as the manager of the plan, he would say absolutely, but that was at the Council's discretion. He said the way the plan was established, with the original ordinance from 1990 that created it, that was clearly the intended purpose, but it was also within the Council's legal authority, within its discretion, to reallocate those funds to other purposes.

Mr. Hamilton said that with the Council having created the Council Improvement Plan, it was their understanding, from a staff perspective, that the Council's intent was to put it there so it could be used for capital projects within the districts, and there had been some of that, but, also, in some cases, the money had been transferred to noncapital purposes. He said that was in the Council's discretion, but he would recommend that as capital needs were identified within their districts that maybe could not get executed otherwise, these would be good examples of things for which to use the Council Improvement funds.

Councilmember Kling said he thought they could all agree, especially since these were all scrutinized by the entire Council, that all the proposals that had been brought for Council-directed projects had been good projects, and he thought, overwhelmingly, everything had been approved, that he could not think of anything that had not been unanimously approved. He said it was a good point that originally this had started out to be capital, and he had probably gotten as bad as anyone else, and he was sure there had been funds he had directed toward agencies that were not used for capital but for operating purposes. He said it would be nice if during the

coming year, they could look at this. He said the concept was good, and perhaps they needed to have two pots of money, so if a Council member was going to use perhaps 50 percent for capital and 50 percent would go out of operating, then the funding source would be appropriate, and if it was going to be all capital, then it should be funded out of the appropriate source. He said he thought having operating items coming out of the capital account was contrary to what they really wanted to do, and the idea would be not to cut it off but just to have another funding source, so that an operating expenditure could come from an operating-related source.

Councilmember Meredith said he thought they could certainly look at it. He said he had proposed the discretionary funds, or the Council Improvement funds, a few years ago, and putting it exclusively toward capital projects was never his intention, that the motivation for it was to support nonprofits within District 5. He said he would certainly be a part of any such discussion, but from the person who had brought this back to the Council, that was never his intention, and there was language in the ordinance that basically said they could use it for the public good, that was not capital, and they had revisited that, and he did not see why they had to revisit it every year.

President Little said he had planned to mention maybe tightening up the ordinance to keep it focused on capital. He said he had given to agencies, too, and he questioned whether they had used it for someone's salary, paying down debt, or buying a new truck or a desk for their office. He said it was coming from capital and questioned if it needed to be for capital.

Councilmember Meredith said it did not, that they had already determined, legally, that that was not the case. He said he understood there was a sentiment to do that, but that was not a legal obligation of the Council. He said this was the City Council, and they determined where money was spent, and if they decided they

wanted to spend money on organizations, then they spent money on organizations. He said that was, frankly, the one big job they had, to set the budget, so it was within their purview to do that. He said he did not, by any stretch of the imagination, say capital projects should not be funded, that that was not where he was going, but his intent in pushing this through was never for it to go for capital funds. He said he had not told any other member what to do with the funds in their district, and if they wanted to spend it 100 percent on capital, to certainly do so. He said he was not going to tell the other Council members how to spend theirs, and he would appreciate if they would let him continue to support his nonprofits.

Roll-Call Vote on Amendment:

Ayes: Kling, Meredith, Keith, Little

Nays: None

Abstain: Robinson

Amendment Passed.

Motion to Amend Resolution No. 24-712 by reducing the amount specified therein for Street Resurfacing by \$150,000. Said funds removed from Street Resurfacing shall be redesignated to Ordinance No. 24-700 (General Budget Ordinance for Fiscal Year 2025, beginning October 1, 2024) as an Outside Appropriation (Exhibit B to Ordinance No. 24-700) to the Food Bank of North Alabama, with the understanding said funds will be applied by the recipient to expenses for their new building. It shall further be understood that said appropriation is for Fiscal Year 2025 budget only, and, therefore, appropriations in future years, if any, shall be awarded through the Council's usual appropriation process. Furthermore, upon adoption of this amendment, the Finance Director shall be authorized, without further action by the City Council, to make budget amendments to appropriate accounts for proper accounting of the amounts approved

herein.

Moved for Approval by Meredith/Seconded by Keith.

Councilmember Robinson said Councilmember Kling had been very passionate about the street sweeping program, and they had worked very hard to build that up, and she asked how taking this \$150,000 would impact the effectiveness of the street sweeping program.

Mr. Hamilton said this amendment would take money from Street Resurfacing, and that account was not related to the street sweeping program.

Councilmember Robinson said she thought she had heard "street sweeping," but, nevertheless, she had the same question, noting that Councilmember Kling had also fought hard for street resurfacing.

Mr. Hamilton said it would be \$150,000 less for resurfacing. He said they had been successful in the prior few years in getting the resurfacing program to a very healthy place, and this \$150,000 represented less than 1 percent of the resurfacing budget overall, so he would say it would not be a significant impact. He said it would be \$150,000 less for resurfacing, but that would be a very small bite.

Councilmember Robinson said she was aware the Food Bank had applied for an allocation, and she thought of all the agencies they funded, the Food Bank was one they needed to fund, that it was an infrastructure program, in that the food housed at the Food Bank went out to impact a lot of other agencies, but the Food Bank application was not funded. She asked Mayor Battle if he would like to speak to that.

Mayor Battle said there were three capital requests that had come in, one from the Food Bank, one from the cyber engineering school, and one from Thrive, and if they funded them to the degree they felt they needed to, there would not be money for capital or outside agencies, and they did not fund any of them. He said all three of them were very worthy of being funded at some point, but this was not the year to be

able to do it, because the money was simply not there.

Mayor Battle said if they did this, they would be taking money out of road repavement, but they would be taking care of a small amount of what the Food Bank had asked for, that they had asked for \$1.5 million, and it was not in the budget to be able to allow it. He said this was something they talked about every year, that they had "so much" in resources, and "this much" wants, and their first job was to provide City services, and then to decide how they could get to those wants.

Councilmember Robinson said the amendment stated it would be used for capital needs by the agency, and it was coming out of a capital budget, so that lined up. She said it was unusual for the Council to take this kind of action, but because the Food Bank was an infrastructure agency, she could make a good case for it. She said this \$150,000 that would help support their building project meant it would actually be leveraged to benefit a lot more agencies.

Councilmember Meredith said they needed to feed people, and he thought this would help them feed Huntsvillians who were suffering from food insecurity, and that was the bottom line for him.

Amendment Unanimously Passed.

Resolution No. 24-712, to approve the City of Huntsville 1990 Capital Improvement Plan for Fiscal Years 2025-2034, as amended, unanimously adopted.

(RESOLUTION NO. 24-712)

Resolution No. 24-713, to approve the City of Huntsville 2014 Capital Improvement Plan for Fiscal Years 2025-2034.

Motion for Approval by Robinson/Seconded by Meredith/Unanimously Adopted.

(RESOLUTION NO. 24-713)

Ordinance No. 24-714, approving Fiscal Year 2025 appropriations, goods, or services for District 3 Council Improvement Fund.

Moved for Approval by Robinson/Seconded by Keith.

Councilmember Robinson said this was to fund the City's match for the South Huntsville Main Business Association. She said the City was required, if they were a part of Main Street Alabama, to do a \$50,000 match to continue to remain in the program. She said this was originally in the Allocations Budget, and because she knew this was a tight year, they had taken it out, and she was going to fund it through her Council Improvement Fund.

Unanimously Adopted.

(ORDINANCE NO. 24-714)

Resolution No. 24-722, authorizing the Mayor to enter into a contract between the City of Huntsville, Alabama and CTS Excavations, L.L.C., for Clinton Avenue and Monroe Street Streetscape, Base Bid, Option #1, Option #3, and Option #4, Project No. 71-22-SP27.

Moved for Approval by Kling/Seconded by Robinson.

Mr. Shane Davis, Director of Urban and Economic Development, said this was a construction contract, that it was a project let by the Engineering Department, and it was along the front of the Von Braun Center, from Pinhook Creek back to Monroe Street, on the north side, part of the Front Row development. He said that, also, they had Pollard Street that connected Clinton Avenue to Holmes Avenue, and part of the Downtown Master Plan was to move that adjacent to the greenway network, to allow parallel parking, for residents to be able to access it. He said the Front Row acquisition had removed that road, so there was a new road from Holmes Avenue to Clinton Avenue, plus streetscape along Clinton Avenue.

Mr. Davis said this would come from their Capital Plan for Downtown Annual

Streetscape Improvements that was a continuing operation for downtown.

Councilmember Kling said he thought this was a great project to point out, that it was going to help the livability of downtown and make it look a little bit nicer for people coming in from out of town.

Mr. Davis said it included irrigation, street trees, sidewalks, the new road, curb and gutter, and storm drains along Clinton Avenue, and it also included upgrading utilities that were quite aged along Clinton Avenue, so it was not just street trees, lights, and sidewalks, that it was a lot of underground infrastructure to support future growth along the Clinton Avenue corridor.

Councilmember Robinson asked if the price was \$6.4 million.

Mr. Davis said the price was \$6,434,802.59, which was \$700,000 below the engineering estimate.

Unanimously Adopted.

(RESOLUTION NO. 24-722)

Resolution No. 24-729, authorizing the acquisition and/or condemnation of the Murphy Farm, for use by the City of Huntsville, d/b/a Huntsville Utilities, for the construction and maintenance of a solar power facility.

Moved for Approval by Robinson/Seconded by Meredith.

Mr. Davis said the City was working in partnership with Huntsville Utilities on the potential of up to a 200 megawatt solar facility out near the airport. He said the City had property they had owned for many years, and adjacent to this was a tract that was zoned Planned Industry, and it was in an area just south of the runway.

Mr. Davis said this would allow them to have a better mix of power generation, which was something they all wanted, that it was a renewal source, and it was also power independence to a degree. He said this was a growing community, and, certainly, the region was growing, that TVA's demand throughout the seven states was

growing, and they wanted to help be part of the solution. He said he and Wes Kelley had discussed this, and the first step would be securing this property, and there would be a lot of analytics to go through, and as the project got further along, both he and Mr. Kelley would bring a presentation to the Council. He said that with the data they had put together, they felt strongly that this was something that not only could provide green sustainable energy, 200 new megawatts to the distribution system, but in a way that it would pay for itself, through their wholesale agreements with TVA.

Mr. Davis said the first step was for the Council to allow them, on behalf of Huntsville Utilities, to enter into an option, noting that would not mean Huntsville Utilities or the City would close on that property, but this action would allow them to further the conversation, to secure property, to run those models with TVA and Huntsville Utilities, to be able to better inform the Council with a future decision.

Councilmember Meredith asked when they did these solar fields, if it was correct that at that point, Huntsville Utilities would become a generator of power.

Mr. Davis said he did not want to speak on behalf of Huntsville Utilities, but, as the Council had voted on, Huntsville Utilities, Joe Gehrdes and Wes Kelley, would bring the Council a power contract with TVA, to renew a power contract that would set their rate to purchase wholesale power from TVA, and as part of that power contract, TVA allowed a certain percentage of Huntsville Utilities' generation to be self-generation and distribution of their own power. He said this was a small percentage, but this they believed to be well within that contract percentage Huntsville Utilities was allowed.

Councilmember Meredith said that, then, that would be an opportunity for Huntsville Utilities to lessen their dependence on TVA.

Mr. Davis said that was correct.

Unanimously Adopted.

(RESOLUTION NO. 24-729)

NEW BUSINESS ITEMS FOR INTRODUCTION.

Introduction of Ordinance No. 24-734, declaring certain equipment surplus and to be sold at public auction.

Introduction of Ordinance No. 24-735, declaring certain real property surplus and authorizing the Mayor to execute a deed conveying the property to Madison County.

Introduction of Ordinance No. 24-736, declaring certain real property surplus and no longer needed for a municipal purpose and authorizing the Mayor to enter into a Purchase and Sale Agreement between the City of Huntsville and Fennel Noble Family Limited Partnership.

President Little said this concluded the official business portion of the meeting.

(At this point, the livestreaming of the meeting was ended.)

SECOND ROSTER PUBLIC COMMENTS.

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

President Little said all the Council members and the Administration had received an email from Kevin Gray, the Board Chair of the Library, and he said he

would read the opening paragraph: I am writing to update you all regarding policy changes at the Huntsville-Madison County Public Library Board adopted at last night's meeting. In summary, the Board adopted revisions to these policies to bring them in line with the recent rule changes by the Alabama Public Library Service. The Board's Governance Committee, chaired by Melissa Thompson, and comprised of G. W. Boon, Connie Chow, and Stephen Efird, worked diligently to conform the Huntsville-Madison County Public Library's policies to the new APLS rule requirements, while avoiding pitfalls that had resulted in other library systems in the state finding themselves in litigation.

President Little said that was some good news and a lot of hard work from the Library Board.

Mr. Austin Jones, Owens Cross Roads, addressed the Council, stating his address was on the sign-in sheet (173 Sedgewick Drive), and having signed up to speak concerning "1st Amendment."

Ms. Susan Stewart, 2027 Cameron Road, addressed the Council, having signed up to speak concerning "Library."

Dr. Marisa Allison, District 2, addressed the Council, stating her address was on the sign-in sheet (710 Owens Dr., SE, HSV), and having signed up to speak concerning "Elections & Community Engagement."

Ms. Alyx Kim-Yohn, District 3, addressed the Council, stating her address was on the sign-in sheet (12023 Chicamauga Tr. SE), and having signed up to speak concerning "Street Construction, Council Minutes."

President Little said the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK

(Meeting adjourned at 7:10 p.m., September 26, 2024.)