

John Meredith, President
Jennie Robinson, President Pro Tem
Bill Kling, Councilmember
Devyn Keith, Councilmember
David Little, Councilmember



Tommy Battle, Mayor
John Hamilton, City Administrator
Trey Riley, City Attorney
Shaundrika Edwards, City Clerk

CITY COUNCIL CHAMBERS

5:30 PM

Thursday, September 28, 2023

REGULAR MEETING OF THE CITY COUNCIL

CALL TO ORDER

1. INVOCATION

Offered by: Rev. Donnell Robinson, with Highway of Holiness COGIC

2. PLEDGE OF ALLEGIANCE

Led by: Councilmember Devin Keith followed by Rocket City Brass performing the National Anthem

3. APPROVAL OF THE AGENDA

4. APPROVAL OF THE MINUTES OF PREVIOUS MEETING(S)

- a. [2023-722](#) Minutes of Regular Meeting of the City Council held on September 14, 2023.
(Minutes Received)

Sponsors: City Clerk

- b. [2023-763](#) Minutes of Work Session of the City Council held September 21, 2023. (Minutes Received)

Sponsors: City Clerk

5. MAYOR: SPECIAL RECOGNITIONS

- a. [2023-723](#) Presentation of the The Brass Band of Huntsville.

Sponsors: Administration

- b. [2023-724](#) Presentation of National Recovery Month Proclamation.

Sponsors: Administration

6. COUNCIL: SPECIAL RECOGNITIONS AND RESOLUTIONS

Special Recognitions

Resolutions for Approval and Presentation

- a. [2023-725](#) Resolution honoring Judy Ryals, President & CEO of The Huntsville/Madison County Convention & Visitors Bureau, for 45 years of outstanding service to the community.
Resolution No. 23-770

Sponsors: Kling

Attachments: [Ryals Resolution](#)

Resolutions for Approval Only**7. ANNOUNCEMENTS AND PRESENTATIONS****8. MATTERS WITH OUTSIDE LEGAL REPRESENTATIVE****9. PUBLIC HEARINGS TO BE HELD**

- a. [2023-721](#) Public hearing on the rezoning of 3.00 acres of land lying on the east of Rideout Drive and north of Willow Pointe Drive from Residence 1-B District to Residence 2 District.
Resolution No. 23-621
Ordinance No. 23-622

Sponsors: Planning

Attachments: [Rideout Rezoning](#)

10. PUBLIC HEARINGS TO BE SET

- a. [2023-726](#) Public hearing for suspension of licensure for Cases 388 & 389. (Set September 28, 2023 Regular Council Meeting)
Resolution No. 23-771

Sponsors: Finance

Attachments: [Suspension of Licensure-Complete](#)

11. AGENDA RELATED PUBLIC COMMENTS

This portion of the meeting is reserved for persons wishing to address the Council on matters relating to the specific content of items on the meeting agenda. You may sign up to speak on the Public Comments Roster prior to the meeting. When called, approach the microphone and state your name, home address and city of residence. Each speaker may address the Council for three minutes. 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.

12. MAYOR COMMENTS

13. COUNCILMEMBER COMMENTS

Councilmember Devyn Keith

Councilmember David Little

Councilmember Bill Kling

Councilmember Jennie Robinson

Councilmember John Meredith

14. FINANCE COMMITTEE REPORT

- a. [2023-727](#) Resolution authorizing expenditures for payment.
Resolution No. 23-772

Sponsors: Finance Committee

Attachments: [Expenditures - Complete](#)

15. BOARD APPOINTMENTS TO BE VOTED ON

- a. [2023-647](#) Resolution reappointing Geraldine Tibbs to the Beautification Board, Place 13 (her current seat), for a three (3) year term to expire September 30, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-773

Sponsors: Keith

Attachments: [G. Tibbs reappointment Beautification](#)

- b. [2023-648](#) Resolution reappointing Jane Tippet to the Beautification Board, Place 14 (her current seat), for a three (3) year term to expire September 30, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-774

Sponsors: Kling

Attachments: [J. Tippet reappointment Beautification](#)

- c. [2023-649](#) Resolution reappointing Celia Wettstein to the Beautification Board, Place 15 (her current seat), for a three (3) year term to expire September 30, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-775

Sponsors: Kling

Attachments: [C. Wettstein reappointment Beautification](#)

- d. [2023-650](#) Resolution appointing Clayton Buff to the Beautification Board, Place 16, to the seat previously held by Ron Akridge for a three (3) year term to expire September 30, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-776
Sponsors: Meredith
Attachments: [C. Buff Appointment Beautification Board](#)
- e. [2023-651](#) Resolution appointing Loretta L. Weninegar to the Beautification Board, Place 18, to the seat previously held by Russell Houser for a three (3) year term to expire September 30, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-777
Sponsors: Little
Attachments: [L. Weninegar appointment Beautification](#)
- f. [2023-652](#) Resolution appointing Scott Maddox to the Board of Equalization of Madison County to the seat previously held by Laura Leigh Stephens for a four (4) year term to expire September 30, 2027. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-778
Sponsors: Robinson
Attachments: [Maddox Appointment Equalization Board.docx](#)
- g. [2023-653](#) Resolution reappointing Dennis Dean to the Board of Examinations and Appeals for Construction Industries, Place 2 (his current seat), for a three (3) year term to expire September 21, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-779
Sponsors: Robinson
Attachments: [D. Dean reappointment Exam & Appeals](#)
- h. [2023-654](#) Resolution reappointing Russ Grimes to the Board of Examinations and Appeals for Construction Industries, Place 7 (his current seat), for a three (3) year term to expire September 21, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-780
Sponsors: Kling
Attachments: [R. Grimes reappointment Exam & Appeals](#)

- i. [2023-655](#) Resolution reappointing Thornton Stanley Jr. to the Board of Examinations and Appeals for Construction Industries, Place 8 (his current seat), for a three (3) year term to expire September 21, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-781

 Sponsors: Kling
 Attachments: [T. Stanley reappointment Exam & Appeals](#)
- j. [2023-656](#) Resolution appointing Sara K. Smith to the Burritt Memorial Committee, Place 1, to the seat previously held by Richard Hempstead for a three (3) year term to expire October 1, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-782

 Sponsors: Little
 Attachments: [S. Smith Appointment Burritt](#)
- k. [2023-657](#) Resolution appointing Theresa Durboraw to the Burritt Memorial Committee, Place 4, to the seat previously held by Nicole Schroer for a three (3) year term to expire October 1, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-783

 Sponsors: Little
 Attachments: [T. Durboraw Appointment Burritt](#)
- l. [2023-658](#) Resolution appointing Brian Daniels to the Burritt Memorial Committee, Place 7, to the seat previously held by Jason Thomas for a three (3) year term to expire October 1, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-784

 Sponsors: Little
 Attachments: [B. Daniels Appointment Burritt](#)
- m. [2023-659](#) Resolution reappointing Dawn Pumpelly to the Burritt Memorial Committee, Place 11 (her current seat), for a three (3) year term to expire October 1, 2026. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-785

 Sponsors: Little
 Attachments: [D. Pumpelly reappointment Burritt](#)

- n. [2023-660](#) Resolution reappointing Troy Bowman to the City Tree Commission (his current seat) for a two (2) year term to expire October 8, 2025. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-786

 Sponsors: Meredith
 Attachments: [T. Bowman reappointment Tree](#)
- o. [2023-661](#) Resolution reappointing William McBride to the City Tree Commission (his current seat) for a two (2) year term to expire October 8, 2025. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-787

 Sponsors: Meredith
 Attachments: [W. McBride reappointment Tree](#)
- p. [2023-662](#) Resolution reappointing James Peters to the City Tree Commission (his current seat) for a two (2) year term to expire October 8, 2025. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-788

 Sponsors: Kling
 Attachments: [J. Peters reappointment Tree](#)
- q. [2023-663](#) Resolution reappointing Phillip Bentley III to the Huntsville-Madison County Airport Authority, City Place 4 (his current seat), for a six (6) year term to expire October 23, 2029. (Nominated September 14, 2023, Regular Council Meeting)
Resolution No. 23-789

 Sponsors: Kling
 Attachments: [P. Bentley reappointment Airport](#)

16. BOARD APPOINTMENT NOMINATIONS**17. HUNTSVILLE UTILITIES ITEMS****18. LEGAL DEPARTMENT ITEMS/TRANSACTIONS****Vacation of Easements**

- a. [2023-728](#) Ordinance authorizing the vacation of Utility and Drainage Easements, Walton's Mountain Phase 12 Subdivision, "The Sovereign Point."
Ordinance No. 23-790

 Sponsors: Legal
 Attachments: [Agape eas ord Complete.pdf](#)

- b. [2023-729](#) Ordinance authorizing the vacation of a Utility and Drainage Easement,
Lot 24, Block 4, East Highland, Ward Avenue.
Ordinance No. 23-791

 Sponsors: Legal
 Attachments: [Long eas ord Complete.pdf](#)
- c. [2023-730](#) Ordinance authorizing the vacation of a Utility and Drainage Easement,
Lots 1 & 2, Valley Green Road Subdivision, 13303 South Valley Square.
(Firman)
Ordinance No. 23-792

 Sponsors: Legal
 Attachments: [Firman eas ord Complete.pdf](#)
- d. [2023-731](#) Ordinance authorizing the vacation of a Utility and Drainage Easement,
Lots 1 & 2, Valley Green Road Subdivision, 13303 South Valley Square.
(Williams)
Ordinance No. 23-793

 Sponsors: Legal
 Attachments: [Williams eas ord Complete.pdf](#)
- e. [2023-732](#) Ordinance authorizing the vacation of Utility and Drainage Easements,
Lots 9A and 9B, Chase Farm at Greenbrier Phase 10 to Intersect
Huntsville I.
Ordinance No. 23-794

 Sponsors: Legal
 Attachments: [Intersect I eas ord Complete.pdf](#)
- f. [2023-733](#) Ordinance authorizing the vacation of Utility and Drainage Easements,
Lots 9A and 9B, Chase Farm at Greenbrier Phase 10 to Intersect
Huntsville II.
Ordinance No. 23-795

 Sponsors: Legal
 Attachments: [Intersect II eas ord Complete.pdf](#)

Vacation of Rights-of-Way

Deeds of Acceptance

19. UNFINISHED BUSINESS ITEMS FOR ACTION

- a. [2023-624](#) Ordinance amending Chapter 25 - Traffic and Vehicles, Section 25-180 - Restricted use of Wireless Communication Devices While Driving of Article IV General Rules of Vehicle Operation, of the Code of Ordinances of the City of Huntsville, Alabama. (Introduced August 24, 2023 Regular Council Meeting, Postponed September 14, 2023, Regular Council Meeting, Postponed September 28, 2023, Regular Council Meeting)
Ordinance No. 23-694
Sponsors: Little
Attachments: [Hands Free Ordinance Complete.pdf](#)
- b. [2023-713](#) Ordinance to adopt the City of Huntsville annual budget for fiscal year 2024 beginning October 1, 2023. (Introduced September 14, 2023, Regular Council Meeting)
Ordinance No. 23-762
Sponsors: Administration
Attachments: [Ordinance Budget FY2024 Complete](#)
- c. [2023-714](#) Ordinance amending Ordinance No. 89-79, to provide all eligible employees of the City of Huntsville a cost of living adjustment (COLA), as reflected in the first pay period in the fiscal year 2024 budget, effective October 2, 2023. (Introduced September 14, 2023, Regular Council Meeting)
Ordinance No. 23-763
Sponsors: Administration
Attachments: [COLA Resolution Complete](#)
- d. [2023-715](#) Ordinance amending Ordinance No. 89-79, Classification and Salary Plan Ordinance. (Introduced September 14, 2023, Regular Council Meeting)
Ordinance No. 23-764
Sponsors: Administration
Attachments: [2023-09-14 Class Salary Plan No. 89-79 9-14-2023 rev2.pdf](#)
- e. [2023-734](#) Resolution approving the City of Huntsville 2014 Capital Improvement Plan for Fiscal Years 2024-2033.
Resolution No. 23-796
Sponsors: Administration
Attachments: [2014 Capital Improvement Plan Complete-a](#)

- f. [2023-735](#) Resolution approving the City of Huntsville 1990 Capital Improvement Plan for Fiscal Years 2024-2033.
Resolution No. 23-797

 Sponsors: Administration
 Attachments: [1990_Capital_Improvement_Plan_Complete-a](#)
- g. [2023-671](#) Resolution to amend guidelines for Council Improvement Fund allocations.
(Postponed September 14, 2023, Regular Council Meeting)
Resolution No. 23-720

 Sponsors: Robinson
 Attachments: [Council Capital Improvement Fund Res Complete.pdf](#)
- h. [2023-716](#) Ordinance authorizing the Mayor to enter into and execute a First Amended and Restated Franchise Agreement between the City of Huntsville, Alabama and New Hope Telephone Cooperative, Inc. (Introduced September 14, 2023, Regular Council Meeting)
Ordinance No. 23-765

 Sponsors: Legal
 Attachments: [New Hope Telephone Agreement Complete.pdf](#)
- i. [2023-717](#) Ordinance annexing 13.20 acres of land lying on the west side of Old Big Cove Rd. and south of Walter Bird Drive. (Introduced September 14, 2023, Regular Council Meeting)
Ordinance No. 23-766

 Sponsors: Planning
 Attachments: [Ellett_Annexation](#)
- j. [2023-718](#) Ordinance annexing 3.36 acres of land lying on the east side of Wade Road and north of Taylor Lane. (Introduced September 14, 2023, Regular Council Meeting)
Ordinance No. 23-767

 Sponsors: Planning
 Attachments: [Marathon2_Annexation](#)
- k. [2023-719](#) Ordinance authorizing the Mayor to establish the Huntsville Sustainability Commission. (Introduced September 14, 2023, Regular Council Meeting, Postponed September 28, 2023, Regular Council Meeting)
Ordinance No. 23-768

 Sponsors: Planning
 Attachments: [Huntsville Sustainability Commission_Ordinance.pdf](#)
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20. NEW BUSINESS ITEMS FOR CONSIDERATION OR ACTION

These items will be approved in one motion unless any member of the Council wishes to remove an item for discussion. The reading of each item will be waived unless a Councilmember requests otherwise.

- a. [2023-736](#) Resolution authorizing travel expenses.
Resolution No. 23-798

 Sponsors: Finance
 Attachments: [Travel Resolution Complete](#)
- b. [2023-737](#) Resolution authorizing the acceptance of donations.
Resolution No. 23-799

 Sponsors: Finance
 Attachments: [Donations Complete](#)
- c. [2023-738](#) Ordinance amending Budget Ordinance No. 22-736, by changing appropriated
funding for various departments and funds.
Ordinance No. 23-800

 Sponsors: Finance
 Attachments: [Budget Amendment Complete](#)
- d. [2023-739](#) Ordinance approving appropriations, goods, or services for District 2 Council
Improvement Funds.
Ordinance No. 23-801

 Sponsors: City Council
 Attachments: [District 2 Council Improvement Complete](#)
- e. [2023-740](#) Ordinance approving appropriations, goods, or services for District 5 Council
Improvement Funds.
Ordinance No. 23-802

 Sponsors: City Council
 Attachments: [District 5 Council Improvement Complete](#)
- f. [2023-741](#) Resolution authorizing the Mayor to enter into a Consulting Agreement between
the City of Huntsville and CapitalEdge Strategies, Inc.
Resolution No. 23-803

 Sponsors: Administration
 Attachments: [2023-09-28 CapitalEdge Complete.pdf](#)

- g. [2023-742](#) Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Garver, L.L.C. for 2023 On-Call Construction Services Support, Project No. 71-23-SP47.
Resolution No. 23-804

 Sponsors: Water Pollution
 Attachments: [2023 On-Call Construction Svcs Support-COMLETE](#)
- h. [2023-743](#) Resolution authorizing the Mayor to execute Change Order No. 5 and Final to the Fixed Price Agreement between the City of Huntsville, Alabama and Lee Builders, Inc., for the Joe Davis Stadium Renovation.
Resolution No. 23-805

 Sponsors: General Services
 Attachments: [Complete-CO5-Lee Builders-Joe Davis Stadium.pdf](#)
- i. [2023-744](#) Resolution authorizing the Mayor execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Huntsville Dream Center, Inc. dated June 22, 2023 as adopted by the City Council of the City of Huntsville by Resolution No. 23-511.
Resolution No. 23-806

 Sponsors: Fire and Rescue
 Attachments: [Dream Theatre Change Order 1 Complete](#)
- j. [2023-745](#) Resolution authorizing the Mayor to execute Addendum No. 2 to Master Service Agreement No. 29149 between the City of Huntsville and MCCi, LLC, for the transfer of Laserfiche Support.
Resolution No. 23-807

 Sponsors: ITS
 Attachments: [MSA No. 29149 MCCi, LLC Complete](#)
- k. [2023-746](#) Resolution authorizing the City Clerk to invoke Synovus Bank Letter of Credit No. 16528434942 for Friendship Commons Development.
Resolution No. 23-808

 Sponsors: Legal
 Attachments: [Friendship LOC Complete.pdf](#)
- l. [2023-747](#) Resolution authorizing the City Attorney to settle the workers' compensation claim of Quincy McCarver.
Resolution No. 23-809

 Sponsors: Legal
 Attachments: [McCarver WC Settlement Complete.pdf](#)
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- m. [2023-748](#) Resolution authorizing the City Attorney to settle the lawsuit entitled Dedra Russell v. City of Huntsville, Case No. 47-CV-2022-900462 in the Circuit Court for Madison County, Alabama.
Resolution No. 23-810

 Sponsors: Legal
 Attachments: [Dedra Russell Settlement Complete.pdf](#)
- n. [2023-749](#) Resolution authorizing the Mayor to submit a grant application for the Federal Transit Administration’s Pilot Program for Transit-Oriented Development Planning FY 2023 grant for transit-oriented development planning of the University-Medical Bus Rapid Transit corridor.
Resolution No. 23-811

 Sponsors: Planning
 Attachments: [TOD Grant Application Full.pdf](#)
- o. [2023-750](#) Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and HDR Engineering, Inc., as adopted and approved Pursuant to Resolution No. 22-831 of the City Council of the City of Huntsville.
Resolution No. 23-812

 Sponsors: Planning
 Attachments: [HDR Modification Full Resolution.pdf](#)
- p. [2023-751](#) Resolution authorizing the Mayor to submit a grant application on behalf of the City of Huntsville, for a FY2023 USDOT Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program Application for the “The Bob Wallace Avenue SMART Corridor: Smart Signal Technology for Safer Streets.”
Resolution No. 23-813

 Sponsors: Planning
- q. [2023-752](#) Resolution authorizing the Mayor to enter into a Memorandum of Agreement between the City of Huntsville and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and Huntsville Police Department for Reimbursement of Overtime Salary Costs associated with ATF Task Force.
Resolution No. 23-814

 Sponsors: Police
 Attachments: [Complete File- Sep 2023](#)

- r. [2023-753](#) Resolution authorizing the Mayor to enter into a Task Force Agreement Pertaining to the Use of Huntsville Police Department Body-Worn Cameras by Deputized Task Force Officers.
Resolution No. 23-815
Sponsors: Police
Attachments: [Complete File- Sep 2023](#)
- s. [2023-754](#) Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville and Allison Ellis.
Resolution No. 23-816
Sponsors: Police
Attachments: [Modification Complete File- Sep 2023](#)
- t. [2023-755](#) Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville and Janel Ploge.
Resolution No. 23-817
Sponsors: Police
Attachments: [Modification Complete File- Sep 2023 \(Ploge\)](#)
- u. [2023-756](#) Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville and Theresa Hocken.
Resolution No. 23-818
Sponsors: Police
Attachments: [Modification Complete File- Sep 2023 \(Hocken\)](#)
- v. [2023-757](#) Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville and Rebecca Wilburn.
Resolution No. 23-819
Sponsors: Police
Attachments: [Modification Complete File- Sep 2023 \(Wilburn\)](#)
- w. [2023-758](#) Resolution authorizing the Mayor to execute Modification No. 1 to Agreement between the City of Huntsville and J.C. Cheek Contractors, Inc., for Periodic Bid for Traffic Striping and Markings, 2023 project, as adopted by Resolution 22-823 on October 13, 2022.
Resolution No. 23-820
Sponsors: Public Works
Attachments: [9-25-23 --FINAL-PWS PACKET-REVISED.pdf](#)

21. NEW BUSINESS ITEMS FOR INTRODUCTION

- a. [2023-759](#) Ordinance declaring certain equipment surplus and to be sold at public auction. (Introduced September 28, 2023, Regular Council Meeting)
Ordinance No. 23-821

Sponsors: Fleet Department
Attachments: [Fowler Auction November Surplus.pdf](#)
- b. [2023-760](#) Ordinance annexing 4.55 acres of land lying on the east side of Dug Hill Road and north of Raintree Road. (Introduced September 28, 2023, Regular Council Meeting)
Ordinance No. 23-822

Sponsors: Planning
Attachments: [Newcastle Annexation](#)
- c. [2023-761](#) Ordinance annexing 0.86 acres of land lying on the south side of Martin Road and east of Estuary Drive. (Introduced September 28, 2023, Regular Council Meeting)
Ordinance No. 23-823

Sponsors: Planning
Attachments: [ClemmonRagland Annexation](#)
- d. [2023-762](#) Ordinance annexing 3.29 acres of land lying on the south side of Dug Hill Road and east of Wimbledon Road. (Introduced September 28, 2023, Regular Council Meeting)
Ordinance No. 23-824

Sponsors: Planning
Attachments: [Vegerita Annexation](#)

22. SECOND ROSTER PUBLIC COMMENTS

This portion of the meeting is reserved for persons wishing to address the Council on matters relating to City business whether or not such items are on the meeting agenda. You may sign up to speak on the Second Public Comments Roster prior to or during the meeting. When called, approach the microphone and state your name, home address and city of residence. Each speaker may address the Council for three minutes. 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.

23. ADJOURNMENT

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