

Proceedings of the City Council of the City of Huntsville, Alabama

at its Regular Meeting held July 25, 2013

Revised: 07-23-13, 2:00 p.m.

AGENDA FOR THE HUNTSVILLE CITY COUNCIL REGULAR MEETING
TO BE HELD JULY 25, 2013 AT 6:00 P.M.
IN THE CITY COUNCIL CHAMBERS

CALL TO ORDER.

1. INVOCATION.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF MINUTES

a. Regular Meeting held July 11, 2013.
(Minutes Received) UNANIMOUSLY APPROVED

4. RESOLUTIONS AND SPECIAL RECOGNITIONS.

a. Mayor.

b. Council.

1. Adoption and Presentation.

2. Adoption Only.

13-553

a. Resolution congratulating Elder Johnny and Lucile Burrell, Pentecostal Lighthouse COGIC upon their 50th Wedding Anniversary and 70th Birthday Celebration of Mrs. Lucile Burrell, held at the Bob Harrison Senior Center Ballroom on July 14, 2013. (Showers) UNANIMOUSLY ADOPTED

DELETED

~~b. Resolution welcoming the 2013 Prater Family Reunion held at the Holiday Inn Downtown Huntsville. (Showers)~~

c. Other Special Recognitions.

d. Announcements.

5. BUSINESS WITH OUTSIDE LEGAL REPRESENTATION.

6. PUBLIC HEARINGS.

a. Public hearings to be held.

13-427

1. Public Hearing on Ordinance 13-427 zoning newly annexed property lying on the east side of U.S. Highway 231/431

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- North and on the north side of Countess Road to Residence 2. District and Highway Business C-4 District. (Set June 13, 2013 Regular Council Meeting) (Planning) UNANIMOUSLY ADOPTED
- 13-554 2. Public Hearing on a Resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties. (Community Development) UNANIMOUSLY ADOPTED
- b. Public hearings to be set.
- 13-555 a. Resolution to set a hearing for suspension of licensure for Hawk, Travis (Set August 8, 2013 Regular Council Meeting) (Clerk-Treasurer) UNANIMOUSLY ADOPTED
7. COMMUNICATIONS AND REPORTS.
- a. Communications from the Public.
- b. Reports
8. HUNTSVILLE UTILITIES ITEMS.
9. BOARD APPOINTMENTS.
- a. Board Appointments to be voted on.
- 13-556 1. Resolution to appoint Dr. Rao Kakani to the Madison County Department of Human Resources Board for a term to expire August 1, 2019. (Nominated July 11, 2013 Regular Council Meeting) (Kling) UNANIMOUSLY ADOPTED
- 13-557 2. Resolution to reappoint Hank P. Holland to the Housing Board of Adjustments and Appeals for a term to expire August 22, 2018. (Nominated July 11, 2013 Regular Council Meeting) (Kling) UNANIMOUSLY ADOPTED
- 13-558 3. Resolution to reappoint Michelle McMullen to the Community Development Citizens Advisory Council for a term to expire August 26, 2016. (Nominated July 11, 2013 Regular Council Meeting) (Kling) UNANIMOUSLY ADOPTED
- 13-559 4. Resolution to reappoint Russell Rawson to the Huntsville-Madison County Emergency Management Board for a term to expire July 1, 2018. (Nominated July 11, 2013 Regular Council Meeting) (Olshefski) UNANIMOUSLY ADOPTED
- b. Board Appointment Nominations

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1. Nomination to appoint Barbara Fleming to the Community Development Citizens Advisory Council for a term to expire April 14, 2015. (Kling)
2. Nomination to reappoint Dr. R. Macon Phillips to the Health Care Authority of the City of Huntsville for a term to expire August 3, 2019. (Russell)
10. APPROVAL OF EXPENDITURES.
 - 13-560 a. Resolution authorizing expenditures for payment. (Finance Committee) UNANIMOUSLY ADOPTED
 - b. Finance Committee Report.
11. COMMUNICATIONS FROM THE MAYOR.
12. COMMUNICATIONS FROM COUNCIL MEMBERS.

Councilman Bill Kling
Councilman Richard Showers, Sr.
Councilman John Olshefski
Councilman Will Culver
Councilman Mark Russell
13. UNFINISHED BUSINESS ITEMS FOR ACTION.
 - 13-529 a. Ordinance No. 13-529 repealing Ordinance No. 09-735 ordaining that E-Verify shall be the designated employment eligibility verification system for the City of Huntsville. (Introduced July 11, 2013 Regular Council Meeting) (City Attorney) UNANIMOUSLY ADOPTED
 - 13-530 b. Ordinance No. 13-530 to amend Ordinance No. 89-79, Classification and Salary Plan. (Introduced July 11, 2013 Regular Council Meeting) (Human Resources) UNANIMOUSLY ADOPTED
 - 13-531 c. Ordinance No. 13-531 to amend Budget Ordinance No. 12-768 to modify the authorized strength of the departments. (Human Resources) UNANIMOUSLY ADOPTED
14. NEW BUSINESS ITEMS FOR INTRODUCTION.
 - 13-561 a. Introduction of ordinance to amend Section 8.19 of Ordinance 04-315(Personnel Policies and Procedures Manual). (Mayor)
15. NEW BUSINESS ITEMS FOR CONSIDERATION OR ACTION.

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- 13-562 a. Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the U.S. Department of Justice for the FY2013 Edward Byrne Memorial Justice Assistance Grant. (Police) UNANIMOUSLY ADOPTED
- 13-563 b. Resolution authorizing the City Attorney to settle the workers compensation case of Connie Tuck, Civil Case Number CV-2013-900037.00. (City Attorney) UNANIMOUSLY ADOPTED
- 13-564 c. Resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by Western Surety Company. (City Attorney) UNANIMOUSLY ADOPTED
- 13-565 d. Resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 40063900 for Walnut Cove Phase I Second Addition at Lake Forest. (City Attorney) UNANIMOUSLY ADOPTED
- 13-566 e. Resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400646300 for Walnut Cove Phase I Second Addition at Lake Forest. (City Attorney) UNANIMOUSLY ADOPTED
- DELETED f. ~~Resolution authorizing the Clerk-Treasurer to invoke Cadence Bank Letter of Credit No. 836 for Christie Acres Subdivision. (City Attorney) DELETED~~
- 13-567 g. Resolution authorizing the Clerk-Treasurer to invoke Servis 1st Bank Letter of Credit No. 12020 for Valleybrook Subdivision. (City Attorney) UNANIMOUSLY ADOPTED
- 13-568 h. Resolution authorizing the Mayor to execute a License Agreement between the City of Huntsville and Dwight Wright for property along Kildare Street. (City Attorney) UNANIMOUSLY ADOPTED
- 13-569 i. Resolution authorizing the Mayor to enter into agreement with the low bidders meeting specifications as outlined in the attached Summary of Bids for Acceptance. (Finance) UNANIMOUSLY ADOPTED
- 13-575 j. Ordinance to amend Budget Ordinance No. 12-768, by changing appropriated funding within various departments and funds. (Finance) UNANIMOUSLY ADOPTED
- 13-570 k. Resolution authorizing the acceptance of donations. (Finance) UNANIMOUSLY ADOPTED

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- 13-571 l. Resolution authorizing the Mayor to enter into an agreement with the low bidder, Reed Contracting Services, Inc. for Rosalie Ridge Drive Drainage Improvements, Project No. 65-11-DM45. (Engineering) UNANIMOUSLY ADOPTED
- 13-572 m. Resolution authorizing the Mayor to modify the agreement with J. C. Cheek Contractors, Inc. for Periodic Bid for Traffic Striping and Marking-2012, Project No. 65-12-SP33, by Modification. (Engineering) UNANIMOUSLY ADOPTED
- 13-573 n. Resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for Cooperative Maintenance of Public Right-of-Way for improvements along U.S. Highway 72 west of County Line Road. (Engineering) UNANIMOUSLY ADOPTED
- 13-576 o. Resolution authorizing a Consulting Agreement between the City of Huntsville and Robin D. Cox. (Landscape Management) UNANIMOUSLY ADOPTED
- 13-577 p. Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Consolidated Construction Company for construction services of the new Public Safety Complex located at 4014 North Memorial Parkway. (Facilities Projects Management) UNANIMOUSLY ADOPTED
- 13-578 q. Resolution authorizing the Mayor to execute a Special Employee Agreement between the City of Huntsville and John S. Hamilton. (Administration) UNANIMOUSLY ADOPTED
- 13-574 r. Resolution authorizing the Mayor to execute an amendment to the agreement with Harris Home for Children, Inc., for services for homeless children and teens. (Community Development) UNANIMOUSLY ADOPTED
- 13-579 s. Resolution encouraging the Alabama State Legislature to adopt legislation targeting Predatory Lending. (Kling) UNANIMOUSLY ADOPTED
16. LEGAL DEPARTMENT ITEMS.
- a. Vacation of Easements
- None.
- b. Vacation of rights-of-way
- None.

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c. Deeds for acceptance UNANIMOUSLY APPROVED

ROCK HOUSE ROAD

1. Right-of-Way

Mike Henderson
Acquired 7/12/2013

2. Right-a-Way

Michelle Rosson and Tim Rosson
Acquired 7/13/2013

d. Routine bond satisfactions

None.

e. Liquor bond mortgages.

None.

17. NON-ROSTER COMMUNICATIONS FROM THE PUBLIC.

18. ADJOURN.

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 7/25/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

License Agreement for right-of-way along Kildare Street.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into a License Agreement between the City of Huntsville and Dwight Wright for property along Kildare Street.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head 

Date: 1-23-13

RESOLUTION NO, 13-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into a License Agreement by and between the City of Huntsville and Dwight Wright, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "License Agreement between the City of Huntsville and Dwight Wright," consisting of three (3) pages including Exhibit A, and the date of July 25, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 25th day of July, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 25th day of July, 2013.

Mayor of the City of
Huntsville, Alabama

LICENSE AGREEMENT

This License Agreement ("Agreement") is made and entered into effective the _____ day of _____, 2013, by and between the City of Huntsville, a municipality within the State of Alabama, ("City" or "Licensor") and Dwight Wright ("Wright" or "Licensee").

WITNESSETH:

WHEREAS, Wright owns all that part of Lots 13 and 14, Block X, of the Resubdivision of Blocks N, S, X of Kildare Estates Subdivision, as recorded in Plat Book 1, Page 169, Probate Records of Madison County, Alabama, consisting of approximately 1.14 acres, said property is more particularly described in the certain deed recorded at Instrument No. 20071130000832660, Probate Records of Madison County, Alabama (hereinafter referred to as "Property"); and

WHEREAS, the Property is subject to a certain right-of-way in favor of the City which runs down the east boundary of the Property along Kildare Street; and

WHEREAS, Wright desires to construct a fence within the right-of-way, along the boundary of the Property, to secure the Property and prevent trespassing; and

WHEREAS, the City desires to allow Wright to construct the fence within the right-of-way to secure the Property subject to the terms and conditions of this Agreement;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Licensor, and for the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. **License**. Licensor does hereby grant and demise unto Licensee a license to construct a fence upon and within the right-of-way of the Property. The fence shall be located as shown on the survey which is attached hereto as Exhibit A. Licensee shall be required to maintain the fence in good condition and repair and shall further maintain the grass, any shrubbery, and other landscape in that portion of the right-of-way within the fenced area.
2. **Temporary Removal**. Licensee agrees to remove the fence, as his sole cost and expense, for any work the City might need to perform within the designated right-of-way for such time period as is required by the City. Licensee will bear the cost and burden of reconstructing the fence in its original location upon completion of the City's work.
3. **Revocation**. Licensor hereby retains the right to revoke this Agreement at any time in its sole discretion without further liability to the Licensee.
4. **Cooperation**. All parties agree to take any necessary actions and to execute any documents necessary to consummate the transactions contemplated hereunder.

5. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, executors, administrators, representatives, and assigns.

6. **Definitions.** Each and every reference to a party, and any and all pronouns describing a party, shall include male or female, singular and plural, corporation or corporations, individual or individuals, as may fit the particular party or parties. All captions are descriptive only.

7. **Execution by Counterpart Originals.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute the same instrument.

8. **Waiver.** The failure of any party to insist upon strict compliance with any of the provisions of this Agreement by another party shall not constitute a waiver of such party's right to demand exact compliance with said provisions.

9. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with regard to the subject matter hereof. No other understanding, inducement, representation, or agreement shall be of any force or effect except as otherwise specifically provided for or referred to herein. This Agreement may not be altered or amended except in writing signed by all parties.

10. **Fees and Expenses.** Each party shall bear its own fees and expenses, including, without limitation, fees and expenses of its counsel in connection with the transactions contemplated hereby.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

THE CITY OF HUNTSVILLE, ALABAMA

By: _____
TOMMY BATTLE
Its: Mayor

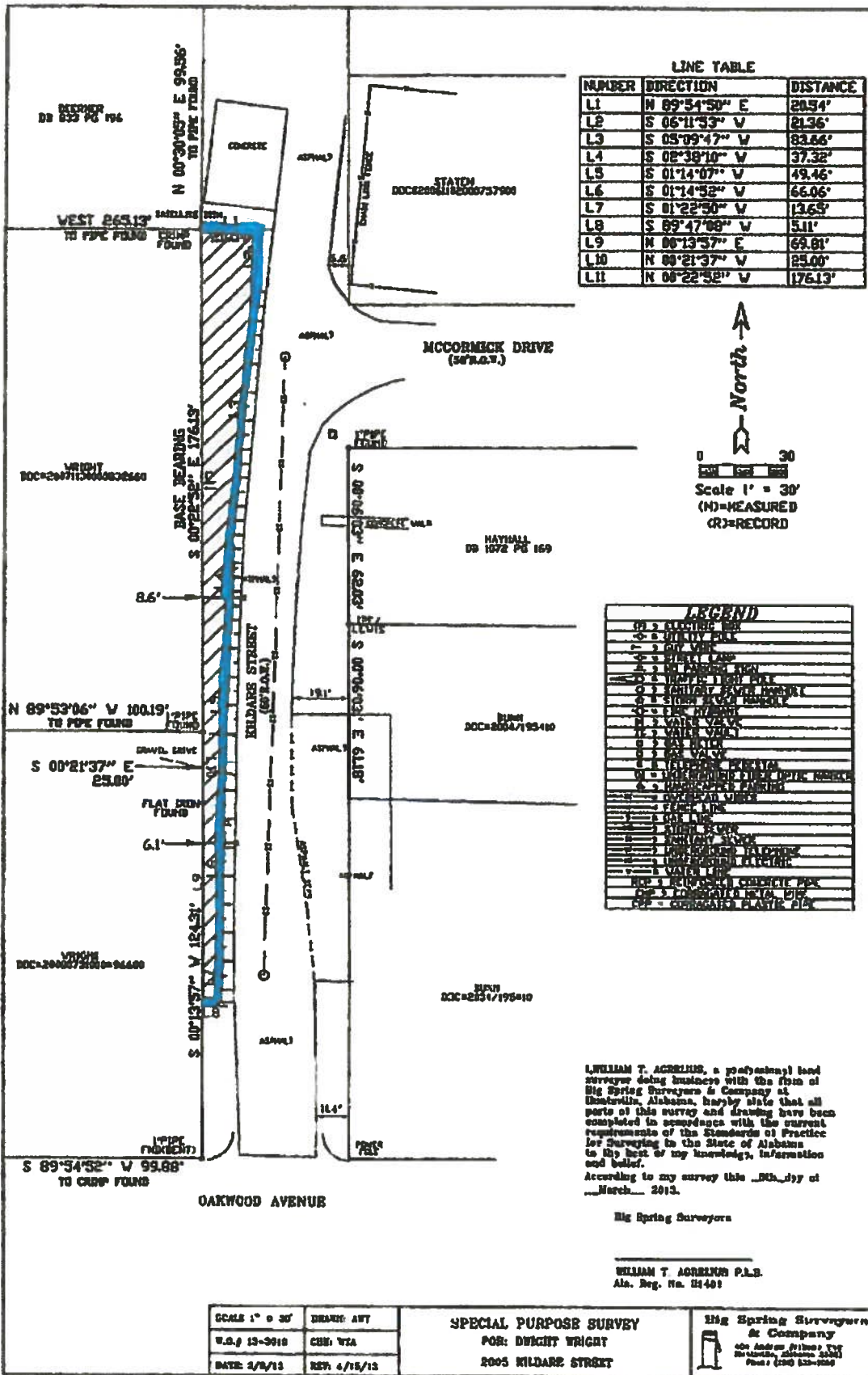
ATTEST:

CHARLES E. HAGOOD
Its: Clerk-Treasurer

DWIGHT WRIGHT

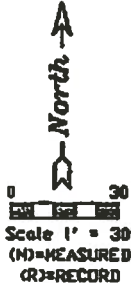
Witness

EXHIBIT "A"



LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 89°54'50" E	20.54'
L2	S 06°11'33" V	21.36'
L3	S 05°09'47" V	83.66'
L4	S 02°38'10" V	37.32'
L5	S 01°14'07" V	49.46'
L6	S 01°14'52" V	66.06'
L7	S 01°22'30" V	13.65'
L8	S 89°47'09" V	5.11'
L9	N 00°13'57" E	69.81'
L10	N 00°21'37" V	25.00'
L11	N 00°22'52" V	176.13'



LEGEND

---	CONCRETE
---	ASPHALT
---	GRAVEL DRIVE
---	FLAT DEN FOUND
---	PIPE FOUND
---	...

WILLIAM T. AGRELIUS, a professional land surveyor doing business with the firm of Big Spring Surveyors & Company at Ebesville, Alabama, hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.
According to my survey this ... day of ... March ... 2013.

Big Spring Surveyors

WILLIAM T. AGRELIUS P.L.B.
Ala. Reg. No. 12461

SCALE 1" = 30'	DRAWN BY
W.S.# 13-0018	CHK: WTA
DATE: 4/8/13	REV: 4/16/13

SPECIAL PURPOSE SURVEY
FOR: DWIGHT WRIGHT
2005 WILDARE STREET

Big Spring Surveyors
& Company
406 Andrus Avenue, EBY
MONTICELLO, ALABAMA 36053
Phone: (205) 833-0200