

**MINUTES NO. 2011-10-RG**  
**OF A**  
**REGULAR MEETING**  
**OF THE CITY COUNCIL OF**  
**THE CITY OF MADISON, ALABAMA**  
**APRIL 11, 2011**

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The Madison City Council met in regular session on Monday, April 11, 2011, at 6:00 p.m. in the Council Chambers of the Madison Municipal Complex, Madison, Alabama.

Noting that a quorum was present the meeting was called to order at 6:00 p.m. by Council President Overcash.

Fire Chief Ralph Cobb provided the invocation followed by the Pledge of Allegiance led by Council President Tommy Overcash.

**ELECTED GOVERNING OFFICIALS IN ATTENDANCE**

Roll Call of Elected Governing Officials was conducted by City Clerk-Treasurer Melanie A. Williard and recorded as follows:

Mayor Paul Finley	Present
Council District No. 1 Tim Holcombe	Present
Council District No. 2 Steve Haraway	Present
Council District No. 3 Jerry Jennings	Present
Council District No. 4 Tim Cowles	Present
Council District No. 5 Tommy Overcash	Present
Council District No. 6 Larry Vannoy	Present
Council District No. 7 Ronica Ondocsin	Present

Also in attendance were: Building Director Cody Phillips, Finance Director Lillie Causey, Revenue Officer Cameron Grounds, Parks & Recreation Director Kory Alfred, Fire Chief Ralph Cobb, Public Works Director Dana Stahl, Human Resources Director Terri Towry, City Attorney Kelly Butler, Police Chief Larry Muncey, Engineering Director Gary Chynoweth, Law Enforcement Technical Coordinator Don Monk, City Clerk-Treasurer Melanie A. Williard and Assistant City Clerk-Treasurer Stacy Gilley

Public Attendance registered: Brie Hollander, Drew Wooley, Chris Newlin, Tabitha Ivey with Madison Chamber of Commerce, Tom Scovill, Harold Bentley, Jon Howell, Cary Hilton, Frank H. Riddick, Charlie Brown, Lizzie Palmer, Bill Brinkley, Don Almer, Opie Balch, Elbert Balch, Kacy McRae, Kara Lengerleft, John Allen, Joe Gehrdes with Huntsville/Madison County Builders Association, W. C. Fuller and Andrea Williams

**AGENDA AMENDMENTS**

The following amendments to this evening's agenda were announced:

- Addition -- Consent Agenda and Finance Committee Report: Acceptance of donation in the amount of \$18,650 from Huntsville/Madison County Leadership Group to be used for Police Department EOC/Training Room
- Addition -- Council District No. 1 Tim Holcombe: Resolution No. 2011-87-R; Opposing the passage by the Alabama Legislature of any legislation proposing the exemption of prescription drugs from business license taxes based on gross receipts

- Deletion -- Fire Department: Resolution No. 2011-86-R; approving an agreement with Building & Earth Sciences for an environmental study for Fire Station No. 2 construction project

Council voiced no objections to these amendments.

**APPROVAL OF MINUTES**

**MINUTES NO. 2011-09-RG; MARCH 28, 2011**

Council Member Jennings moved to approve Minutes No. 2011-09-RG. Council Member Ondocsin seconded. Council Member Cowles requested that his comments regarding the American Cancer Society be included in the Minutes. Council Member Jennings moved to approve the Minutes as amended. Council Member Ondocsin seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

**PRESENTATIONS AND AWARDS**

**PRESENTATION OF PROCLAMATION – DONATE LIFE MONTH**

Mayor Finley read aloud the Proclamation declaring April as “Donate Life Month” in the City of Madison and presented the Proclamation to Ms. Brie Hollander on behalf of the Alabama Organ Center.

**PRESENTATION OF CERTIFICATES TO THE BOB JONES HIGH SCHOOL GIRLS BASKETBALL TEAM IN RECOGNITION OF THEIR STATE CHAMPIONSHIP**

Mayor Finley presented certificates to Head Coach Tim Miller on behalf of the members of the Bob Jones High School Lady Patriots Team in recognition of their hard work, dedication and outstanding teamwork which led to them winning the Class 6A Alabama High School Athletic Association State Championship on March 5, 2011 in Birmingham. The following are members of the team:

- Samiah Alexander
- DeAsha Campbell
- Katie Colson
- Joidon Jennings
- Lindsey Jennings
- Jasmine Jones
- Tierra Jones
- China Leary
- Andrea Matthews
- Rikeyah McKinnon
- Tariel Stewart

**PRESENTATION BY NATIONAL CHILDREN’S ADVOCACY CENTER**

Executive Director Chris Newlin with the National Children’s Advocacy Center thanked Council for their continued support. The Center proposes to utilize this year’s funding in the amount of \$8,550 to provide both direct services to children regarding allegations of abuse and also to provide child abuse prevention services to the children

and residents of Madison. All of these services are provided at no charge to the clients, the involved agencies or the schools involved.

Last year, the Center provided the following services for residents of Madison:

- Forensic Interviews of alleged child abuse victims 44
- Medical Exams of alleged child abuse victims 9
- Child abuse victims seen in therapy 10
- Child Abuse Prevention presentations 20 programs
  - 532 children at Madison Elementary, Rainbow Elementary, West Madison Elementary, Columbia Elementary, Liberty Middle School, Patriot Academy, Madison Academy and St. John's Catholic School
- Child Abuse Prevention casework
  - Healthy Families 14 families
  - Just for Dads 11 clients

**PRESENTATION OF DONATION OF \$5,000 FROM MILL CREEK ELEMENTARY SCHOOL PTA**

Council Member Holcombe moved to accept a \$5,000 donation from Mill Creek Elementary School PTA for a new track and soccer fields. Council Member Jennings seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

**PUBLIC COMMENTS**

*Public Comments are limited to five minutes each if the speaker requested to be added to the Agenda prior to deadline. Individuals requesting to speak at the meeting who did not make the agenda deadline are limited to three minutes.*

**MR. THOMAS SCOVILL OF 530 HIGHLAND DRIVE; SCHOOLS & TAXES**

Mr. Scovill began by informing the City that he has noticed five vehicles parked on lawns on Portal Lane which is in violation of the City's Code. He asked the Mayor and applicable department heads to see what they can do about educating the homeowners on the violation.

Mr. Scovill then voiced his concerns regarding the Madison County Communications District E911 Board. His concerns included the fact that this is an appointed board with the power to tax the residents and that the board members terms of service of all board members has been expired for several years. Mr. Scovill also voiced concern that the City of Madison has no representation on that board as it currently exists.

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

Council Member Vannoy moved to approve the Consent Agenda and Finance Committee Report as follows:

General Operating Account	\$507,411.79
Gasoline Tax & Petroleum Inspection Fees	\$1,366.03
Series 2006 Bond Checking	\$10,666.02

Library Building Fund \$319.41

TVA Tax Proceeds \$48,132.88

Resolution No. 2011-84-R; declaring certain city property formerly used by the Revenue Department and Finance Department as surplus and of negligible value and authorizing its disposal

Acceptance of donation in the amount of \$230 from Chick-Fil-A for the 911 Hero Program

Approval of payment to Bird & Kamback Architects, LLC for architectural services in connection with the Dublin Park Concession Stand/Restroom Facility project (to be paid from Capital Improvement budget) \$3,000.00

Approval of payment to S & G Waldrop Electric for work completed on the Palmer Park Soccer Field Lighting project (to be paid from department budget and Recreation Department Donation account) \$176,943.00

Approval of payment to Wilmer & Lee for legal services in relation to the following projects (to be paid from Capital Improvement budget):

Hughes Road/Plaza Blvd traffic signal	\$249.00
Gillespie Road Extension	\$135.00
Bradford Creek Greenway Phase I	\$995.00
Main Street improvements	\$2,894.95

Approval of payment to Land Design Solutions for construction administration services in relation to Bradford Creek Greenway Phase I (to be paid from Capital Improvement budget) \$4,437.00

Approval of payment to the following vendors for work completed in relation to Main Street Improvements (to be paid from Capital Improvement budget):

Sherman Dixie	\$6,721.28
Eager Beavers Tree Service	\$12,710.00
United Rentals	\$1,141.01

Approval of payment to the following vendors for work completed in relation to Gillespie/Hughes Intersection Improvement project (to be paid from Capital Improvement budget):

RAM Tool	\$107.00
Madison Utilities	\$107.50

Approval of payment to Turfgrass America for items purchased in relation to Mill Creek Greenway Phase I (to be paid from Capital Improvement budget) \$189.00

Approval of payment to Huntsville Times for bid advertisement in relation to County Line Sidewalk project (to be paid from Capital Improvement budget) \$947.62

Approval of payment to Slaughter & Associates, PLLC for work performed in connection with required redistricting (to be paid from Council Special Projects account) \$1,079.17

Approval of payment to Mr. Rooter for sewer line work completed in connection with the Senior Center Addition project (to be paid from Capital Improvement budget) \$6,958.00

Acceptance of donation in the amount of \$18,650 from Huntsville/Madison County Leadership Group to be used for Police Department EOC/Training Room

Council Member Cowles seconded the motion to approve the Consent Agenda and Finance Committee Report. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

## **PRESENTATION OF REPORTS**

### **MAYOR PAUL FINLEY**

#### **RESOLUTION NO. 2011-83-R; APPROVING ANNUAL APPROPRIATION AGREEMENT WITH THE NATIONAL CHILDREN'S ADVOCACY CENTER**

Council Member Jennings moved to approve Resolution No. 2011-83-R. Council Member Haraway seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

### **GROWTH PLAN MEETING**

Mayor Finley announced that the final public meeting on the Growth Plan is scheduled for tomorrow evening in Council Chambers. The plan is an effort, undertaken by the City to improve the way the City grows and develops. He urged all interested residents to attend this meeting.

### **COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

#### **RESOLUTION NO. 2011-87-R; OPPOSING THE PASSAGE BY THE ALABAMA LEGISLATURE OF ANY LEGISLATION PROPOSING THE EXEMPTION OF PRESCRIPTION DRUGS FROM BUSINESS LICENSE TAXES BASED ON GROSS RECEIPTS**

Council Member Holcombe moved to approve Resolution No. 2011-87-R. Council Member Haraway seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

### **COUNCIL DISTRICT NO. 2 STEVE HARAWAY**

No business to report.

**COUNCIL DISTRICT NO. 3 JERRY JENNINGS**

Council Member Jennings introduced Ms. Natalie Rowland who is the City's new Senior Center Director.

**COUNCIL DISTRICT NO. 4 TIM COWLES**

**KEY HISTORIC DATES**

Council Member Cowles reminded everyone that tomorrow April 12<sup>th</sup> will be the 150<sup>th</sup> anniversary of the attack on Ft. Sumter which began the Civil War. Also, April 19<sup>th</sup> marks the anniversary of the Battle of Lexington and Concord; the first military engagements of the Revolutionary War.

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

**BOARD OF EDUCATION APPOINTMENT UPDATE**

Interviews of the candidates for the vacancy on the Board of Education will be held next Tuesday, April 19<sup>th</sup> at City Hall beginning at 5:30 pm. The public is welcome to attend but will not be allowed to ask questions or make comments.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

No business to report.

**COUNCIL DISTRICT NO. 7 RONICA ONDOCSIN**

No business to report.

**BOARD/COMMITTEE APPOINTMENTS**

**RECOMMENDATION FROM MAYOR REGARDING APPOINTMENT TO VACANCY ON MADISON STATION HISTORIC PRESERVATION COMMISSION**

Having reviewed all of the applications on file for the Madison Station Historic Preservation Commission, Mayor Finley nominated Mr. Jim Norton who is an architect. Council Member Jennings endorsed Mayor Finley's nomination. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

**PUBLIC HEARINGS**

**PROPOSED ORDINANCE NO. 2011-60; AMENDING ALL OF CHAPTER 6 OF THE CODE OF ORDINANCES FOR THE CITY OF MADISON, ALABAMA RELATING TO BUILDING, CONSTRUCTION AND RELATED ACTIVITIES (FIRST READING 03/14/2011)**

Council President Overcash opened the public hearing for any public comments regarding this proposed Ordinance.

Madison resident John Allen, 101 Broken Bow Lane, congratulated Council for the adoption of this new Code Standard for residential and commercial construction. As Chair of the Local Green Building Council for Huntsville/Madison County Builders Association and also the State Building Innovations Group Chair he further congratulated the City for adopting the National Green Building Standard included as part of this Code update. He

added that the City will be the first municipality in the State of Alabama to adopt this voluntary National Green Building Standard.

There being no further public comments, Council President Overcash closed the public hearing and entertained a motion from Council. Council Member Haraway moved to adopt Ordinance No. 2011-60. Council Member Jennings seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

## **DEPARTMENTAL REPORTS**

### **RECREATION DEPARTMENT**

#### **RESOLUTION NO. 2011-82-R; APPROVING AN AGREEMENT WITH KITTY GALLIMORE AS DIRECTOR OF KIDZ KAMP**

Council Member Haraway moved to approve Resolution No. 2011-82-R. Council Member Jennings seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

### **FIRE DEPARTMENT**

#### **RESOLUTION NO. 2011-85-R; APPROVING AN AGREEMENT WITH THE CITY OF HUNTSVILLE DOING BUSINESS AS HUNTSVILLE/MADISON COUNTY EMERGENCY MANAGEMENT AGENCY) FOR FUNDING FOR SUSTAINMENT OF THE HEAVY RESCUE TEAM**

Council Member Haraway moved to approve Resolution No. 2011-85-R. Council Member Holcombe seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

#### **RESOLUTION NO. 2011-86-R; APPROVING AN AGREEMENT WITH BUILDING & EARTH SCIENCES FOR AN ENVIRONMENTAL STUDY FOR FIRE STATION NO. 2 CONSTRUCTION PROJECT**

This item was removed from the agenda.

## PUBLIC WORKS DEPARTMENT

### DISCUSSION ON PROPOSAL REGARDING CONTRACTING TRASH COLLECTION

The city received one bid in the amount of \$691,532 in response to this proposal. The City looked at two different options; if the City were to contract out the services then the employees who were performing those services could then be considered RIF (Reduction In Force). The second option, the one that Mayor Finley is proposing to the Council this evening, would keep those employees which in turn allows the Public Works Department to be fully staffed for some of the areas that the department currently does not have staff and would also give the Parks & Recreation Department support for both Dublin and Palmer Parks where help is needed right now and contract the services out which would save the City at least \$50,000 the first year.

Mayor Finley will meet with Parks & Recreation Director Kory Alfred and Public Works Director Dana Stahl to discuss where best to utilize the employees impacted by this. Mayor Finley added that Republic Services has expressed interest in starting these services as early as July 1<sup>st</sup>. They also informed him that any Public Works or Parks & Recreation employee that wants to submit their application will have the opportunity to possibly be hired by them. Mayor Finley stated that he believes this would give the city employees multiple options if they really enjoyed doing what they do in driving those trucks. Also, Republic Services is willing to extend this contract out beyond their normal one-year time frame through October 2012 to match the City's fiscal year. The only request they have in regards to extending the contract beyond that year is an agreement for rising fuel costs and a proposed formula to be put into place. This formula will be presented to Council prior to Council voting on the contract.

Mayor Finley does recommend contracting with Republic Services for trash collection and to keep the current employees who performed these services and find other areas for them to be utilized within the City.

Council Member Jennings stated that he supports the Mayor's recommendation but added that he is concerned with the City committing to a contract for a relatively short-term and asked that the City entertain a fuel-surcharge and caps on how much of an increase would be tolerated by the City in succeeding years. He doesn't want to see the City get in a bind where it has disbanded its capabilities to a large extent.

Council Member Holcombe asked Mayor Finley if he has any idea how much the city could anticipate from the sale of the two knucklebooms currently used by the Public Works Department. Mayor Finley stated that the City would not purchase the two knucklebooms the department proposed in their budget and added that he does not know how much the current equipment would bring in. He will bring an estimate back to Council at a future date.

Council Member Vannoy asked if the City would retain some equipment for emergency use, for example as a result of storm damage. Mayor Finley informed him that the proposal addresses that scenario.

Council Member Haraway stated that in earlier conversations it was mentioned that a possible recycling area for green waste could be created. He asked if this possibility has been addressed in this proposal. Mr. Stahl informed him that the bid did include that option and the bidder made no delineation between the two so the price remained the same. Council Member Jennings added that he sat in on discussions with a company from Nashville and their representative mentioned that only 10% of the waste was picked up by interested residents and it turned out to not be a feasible approach. Council President Overcash also added that although the idea of a recycling area sounds good the nightmare exists of storing the green waste, noise of grinding equipment, decaying of the waste not picked up, etc.

Council Member Vannoy asked if the current contract for green waste would be terminated if this proposal is approved by Council. Mayor Finley stated in the affirmative that the contract would be terminated after giving the appropriate notice.

It was the consensus of Council to contract with Republic Services for trash collection services and to keep the current employees who performed these services and find other areas for them to be utilized within the City.

**ENGINEERING DEPARTMENT**

**UPDATE ON HIGHWAY 72 CORRIDOR IMPROVEMENTS (SHOPPES OF MADISON TO HUNTSVILLE HOSPITAL)**

City Engineer Gary Chynoweth updated Council on the highway improvements in regard to the new Target Shopping Center. It was the consensus of Council to move forward and let Mr. Chynoweth bring back to them hard numbers for further action.

**LEGAL**

**LEGAL ACTION ITEMS**

**RESOLUTION NO. 2011-50-R; APPROVING THE E911 SERVICE AGREEMENT WITH MADISON COUNTY COMMUNICATIONS DISTRICT**

Council Member Vannoy moved to approve Resolution No. 2011-50-R. Council Member Jennings seconded.

Council discussed the following proposed amendments to the resolution to be negotiated by the Mayor:

- Amend the twenty-five year opt out to ten-year opt out
- Remove the \$10 per month per radio fee
- Remove paragraph 6.1 "Good Faith Negotiating"

Council Member Vannoy moved to approve Resolution No. 2011-50-R as amended. Council Member Jennings seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

None

**ADJOURNMENT**

Having no further business to discuss, Council Member Jennings moved to adjourn the meeting. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

The meeting was adjourned at 7:45 p.m.  
Signatures on following page.

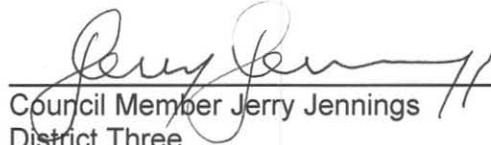
Minutes No. 2011-10RG, dated April 11, 2011, read, approved and adopted this 25th day of April 2011.



Council Member Tim Holcombe  
District One



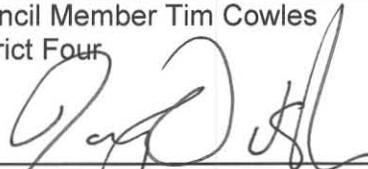
Council Member Steve Haraway  
District Two



Council Member Jerry Jennings  
District Three



Council Member Tim Cowles  
District Four



Council Member Tommy Overcash  
District Five



Council Member Larry Vannoy  
District Six



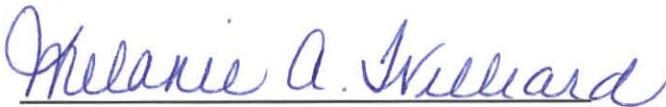
Council Member Ronica Ondocsin  
District Seven

Concur:



Paul Finley  
Mayor

Attest:



Melanie A. Williard  
City Clerk-Treasurer



Kristen N. Bruseth  
Recording Secretary