



**MINUTES NO. 2013-18-RG**

**OF A**

**REGULAR MEETING**

**OF THE CITY COUNCIL OF**

**CITY OF MADISON, ALABAMA**

**SEPTEMBER 23, 2013**

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The Madison City Council met in regular session on Monday, September 23, 2013 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.

Pastor Johnny Mosley of Crosspointe Church provided the invocation followed by the Pledge of Allegiance led by Council President Overcash.

**ROLL CALL OF ELECTED GOVERNING OFFICIALS**

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

Mayor Troy Trulock	Present
Council District No. 1 Tim Holcombe	Present
Council District No. 2 Steve Smith	Present
Council District No. 3 D.J. Klein	Present
Council District No. 4 Mike Potter	Present
Council District No. 5 Tommy Overcash	Present
Council District No. 6 Gerald Clark	Present
Council District No. 7 Ronica Ondocsin	Present

Also in attendance were: Planning Director Amy Bell, City Clerk Treasurer Melanie A. Williard, Public Works Director Steve Abbott, Deputy Fire Chief Jeff Birdwell, IT Director Jason Colee, Recreation Director Kory Alfred, Engineering Director Gary Chynoweth, Police Chief Muncey, Revenue Director Cameron Grounds, Finance Director Roger Bellomy, School Board Member Connie Spears, Superintendent Dr. Dee Fowler, Human Resources Director Terri Towry City Attorney Kelly Butler, and Assistant City Clerk-Treasurer Lisa Bullock.

Public attendance registered: Tami Grant, Bebe Oetjen, Debbie Overcash, Staci Krupp, Amy West, Lora H. Elgan, Carmen Mosley, Rikki Powell, Jane Dow, Gwen Rakoff, Jon Howell, Kim White, Julie Shelly, Elliott White, Barbie Baugh, Lisa Bath, Brantley M. Kirk, Don

and Lizzie Palmer, Stacie Elmore, Carl Dow, Eileen Chavez, Theresa Willis, Wendy Waggener, Susie Masotti (MCC), Lesley Parker, Peter West, Gayle Milam, Roger Wittig, Kristen Kulavich, Daniel Beane, Casey Beane, Tim Morris, Stacey Reid, Val Davis, Martha Gilpin, Roberta G. Malcolm, Emily Cook, Sarah Cook, Ralph Peck, Ed Collins, Lori Kegley, Chris Miles, Robin Kennedy, Mary Crisp, Norma Hall, Susan Kula, Casey Kula, Don Krupp, Kaitlynn Krupp, Tracy Butterfield, Sandy K. Patel, Samuel Wright, Kimberly Waggener, David Bastien, and a few illegible signatures.

**AMMENDMENTS TO AGENDA:**

**ADDITIONS**

**Public Comments:**

Jane Dow, Kids Kingdom update

**Consent Agenda:**

Approval of payment to Heritage Propane for trench failure work completed on Yorkshire in the amount of \$32.24

Acceptance of anonymous donation in the amount of \$50.00 for Police Department Animal Control

**DELETIONS:**

**Consent Agenda:**

Acceptance of 1986 & 1987 HMMWV from U.S. Army to be used by the Police Department valued at \$47,455 each.

**APPROVAL OF MINUTES**

**MINUTES NO. 2013-17-RG, SEPTEMBER 9, 2013**

Council Member Holcombe moved to approve Minutes No. 2013-17-RG. Council Member Smith seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**PRESENTATION AND AWARDS**

**PRESENTATION OF FAMILY OF THE YEAR**

Lisa Bath, Chair of the Family of the Year Committee, presented the Cook family as the 2013 Family of the Year.

**PUBLIC COMMENTS**

(Will be limited to 5 minutes if on the agenda and 3 minutes otherwise)

**DON PALMER, UPDATE ON INTERNATIONAL FESTIVAL OF NORTH ALABAMA**

Don Palmer, President and founder of the International Society of Huntsville, appeared before Council to announce that the fourth annual International Festival is scheduled for this Saturday, September 28<sup>th</sup> at UA Huntsville.

Jane Dow, addressed Council with concerns about the upkeep of Kids Kingdom and the type of sealant to be used on the playground equipment in the park. Mayor Trulock suggested that Mrs. Dow lead a committee to make recommendations to the City on repairs and updates that may be needed in Kids Kingdom.

Debbie Overcash, 110 Sonoma Drive reminded everyone that the 33<sup>rd</sup> annual Madison Street Festival is scheduled for Saturday, October 5<sup>th</sup> in downtown Madison from 9:00AM – 5:00PM.

Susie Masotti of the Madison Chamber of Commerce updated Council on the upcoming activities of the Chamber.

**STACI KRUPP, 220 MEADOW WOOD DRIVE, ADDRESS COUNCIL REGARDING “NO SOLICITATION” ORDINANCE**

Staci Krupp appeared before Council representing James Clemens High School Band Boosters. She expressed concerns over the City’s current solicitation ordinance. She feels that the ordinance is misinterpreted and would like to see it changed so that school groups can conduct fundraising efforts in neighborhoods throughout the City of Madison.

Ed Collins of 303 Crownridge Drive stated that initially the purpose of the ordinance was to provide relief from salesmen and was never meant to hinder students fundraising. He cautioned Council that they should proceed carefully when making amendments to the solicitation ordinance to avoid any unintended consequences.

**The following people spoke in favor of amending the ordinance:**

Brantley Park, representative with Girl Scouts of North Central Alabama.

Val Davis, President of Heritage Plantation HOA.

Ricky Powell, 302 Church Street.

Dave West, 110 Ivy Chase Drive.

Todd Clem, 110 Joe Phillips Road.

Theresa Wittig, 302 Stoneham.

Amy West, 119 Ivy Chase Drive.

Roger Wittig, 302 Stoneham Way.

Stacy Reed, 100 Ben Franklin, President of James Clemens High School Girls Soccer Booster Club

Lesley Parker, 128 Arborwood Drive.

Superintendent Dr. Dee Fowler address Council and advised on school system policy regarding this type of fundraising and spoke in favor of students supporting school programs by selling door to door and expressed confidence that the City leaders would make the best possible decision regarding supporting school programs.

**The following citizen spoke against amending the ordinance:**

Roberta Malcolm, 101 Abbott Lane suggested that Council and parents work together to find alternative ways of raising money rather than going door to door.

Council President Overcash advised that Council and the Legal Department will review the ordinance and try to be prepared to speak further regarding this issue at the next council meeting.

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

Council Member Holcombe moved to approve the consent agenda as amended.  
Council Member Potter seconded.

General Operating Account	\$858,011.13
Special General Operating Accounts	\$9,322.33
Gasoline Tax and Petroleum Inspection Fees	\$32,097.49
Street Repair and Maintenance	\$1,464.46
Series 2013 Bond Checking	\$18,590.00
Library Building Fund	\$44,862.98
Water Distribution and Storage	\$566,628.59

Resolution No. 2013-284-R declaring certain city property as surplus and of negligible value and authorizing its disposal

Approval of payment to KPS Group for work completed on Parks & Recreation Master Plan study (to be paid from 2013 Bond account) \$3,255.00

Approval of payment to Reed Contracting Services for supplies Needed for trench failure repairs on Canterbury (to be paid from Madison Utilities forbearance funds) \$182.31

Approval of payment to ICA Engineering for engineering services on ATRIP Project #45-01-09, County Line Road Improvement from Madison Blvd. to US Hwy. 72 (to be paid from 2013 Bond account) \$68,000.00

Approval of payment to Madison County Commission for fees Paid to Goodwyn, Mills and Cawood for professional services Related to Graphics Road Project (to be paid from 2013 Bond Account) \$57,600.00

Approval of payment to Wilmer & Lee for legal services performed On ATRIP Project #45-01-05, Bridge replacement over Mill Creek (to be Paid from 2013 Bond account) \$198.52

Approval of payment to ICA Engineering for CE&I services performed On ATRIP Project # 45-01-08, resurface CR-17 (Old Madison Pike) from CR-14 (Hughes Road) to CR-19 (Slaughter Road) (to be paid from 2013 Bond account) \$9,885.00

Approval of payment to Land Design Solutions, Inc. for CE&I services Performed on ALDOT Project STPTE-TE04(929), Bradford Creek Greenway (to be paid from 2013 Bond account) \$4,911.92

Approval of payment to Reed Contracting Services, Inc. for final Payment On Hwy. 72 Improvements, Phase 2 (to be paid from 2013 Bond account) \$14,344.70

Approval of payment to McElroy Land Surveying Company, Inc. for Establishing ROW along Pension Row for Pension Row resurfacing And drainage project (to be paid from 2013 Bond account) \$8,485.00

Approval of payment to OMI, Inc. for construction materials testing Performed for ALDOT Project STPTE-TE04(929) Bradford Creek Greenway (to be paid from 2013 Bond account) \$470.00

Approval of payment to OMI, Inc. for 75% completion of subsurface Exploration and geotechnical engineering study for Mose Chapel Road Widening (to be paid from 2013 Bond account) \$2,250.00

Resolution No. 2013-288-R approving the disposal or destruction of certain Finance Department records as approved by the State Department of Archives

Approval of payment to Heritage Propane for trench failure work completed on Yorkshire (to be paid from Madison Utilities Forbearance fund) \$32.24

Acceptance of an anonymous donation in the amount of \$50.00 for Police Department Animal Control

The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Abstain
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

#### **PRESENTATION OF REPORTS**

#### **MAYOR TROY TRULOCK**

No business to report.

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

#### **PROPOSED ORDINANCE NO. 2013-283 ADOPTING FY 2014 BUDGET**

Council Member Holcombe moved to adopt Ordinance No. 2013-283. Council Member Ondocsin seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye



**REQUEST FROM ARLENE V. HIPPI (DBA: SABOR LATINO) FOR ON-PREMISE BEER, WINE & LIQUOR LICENSE FOR THEIR LOCATION AT 8760 MADISON BOULEVARD, SUITE L**

Revenue Officer Cameron Grounds advised that all the paperwork is in order for this request.

Council President Overcash opened the public hearing for comments regarding this request. There being none, he closed the public hearing and entertained a motion from Council.

Council Member Klein moved to approve the request from Sabor Latino for an on-premise beer, wine & liquor license for their location at 8760 Madison Boulevard, Suite L. Council Member Potter seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**DEPARTMENT REPORTS**

**PLANNING**

**RESOLUTION NO. 2013-266-R SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2013-267 REZONING CERTAIN DOWNTOWN PROPERTIES (FIRST PUBLICATION 10/02/2013; SYNOPSIS 10/09/2013; PUBLIC HEARING 10/28/2013)**

Council Member Potter moved to approve Resolution No. 2013-266-R. Council Member Klein seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2013-269 VACATING UTILITY, DRAINAGE AND SEWER EASEMENT ON LOT 2, PHASE 2, HOSPITAL PARK (FIRST READING - SUSPENSION OF RULES REQUESTED)**

Council Member Holcombe moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2013-269. Council Member Ondocsin seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
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Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

Council Member Holcombe moved to adopt Ordinance No. 2013-269. Council Member Potter seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Abstain
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2013-280 VACATING A PORTION OF A UTILITY & DRAINAGE EASEMENT ON LOT 66 OF FOXFIELD PHASE 2 (FIRST READING – SUSPENSION OF RULES REQUESTED)**

Council Member Potter moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2013-280. Council Member Holcombe seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

Council Member Holcombe moved to adopt Ordinance No. 2013-280. Council Member Potter seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**RESOLUTION NO. 2013-281-R SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2013-282 ZONING PROPERTY LOCATED WEST OF SLAUGHTER ROAD TO R-3A & B-2 AS PETITIONED BY RACHEL BROWN**

**HOMES, LLC (FIRST PUBLICATION 10/02/2013; SYNOPSIS 10/09/2013; PUBLIC HEARING 10/28/2013)**

Council Member Clark moved to approve Resolution No. 2013-281-R. Council Member Klein seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**LEGAL**

**PROPOSED ORDINANCE NO. 2013-285 ADOPTING AND ENACTING A NEW CODE FOR THE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE (FIRST READING)**

As this was a first reading, no action to adopt was taken on Proposed Ordinance No. 2013-285

**RESOLUTION NO. 2013-286-R AWARDED BID NO. 2013-003-ITB FOR THE PURCHASE OF CLOSED CIRCUIT COOLING TOWER FOR HVAC SYSTEM AT CITY HALL**

Council Member Klein moved to approve Resolution No. 2013-286-R. Council Member Clark seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 Ronica Ondocsin	Aye

Motion carried.

**RESOLUTION NO. 2013-287-R AWARDED BID NO. 2013-004-ITB FOR THE PURCHASE UNIFORMS FOR THE MADISON POLICE DEPARTMENT**

Council Member Klein moved to approve Resolution No. 2013-287-R. Council Member Smith seconded. The roll call vote taken was recorded as follows:

Council District No. 1 Tim Holcombe	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 D.J. Klein	Aye
Council District No. 4 Mike Potter	Aye
Council District No. 5 Tommy Overcash	Aye

Council District No. 6 Gerald Clark Aye  
Council District No. 7 Ronica Ondocsin Aye

Motion carried.

**DISCUSSION OF DRAFT "NO PARKING" ORDINANCE**

City Attorney Kelly Butler advised Council that she is currently working with Police Chief Muncey and his staff regarding this ordinance.

Bebe Oetjen, 109 Radisson Lane urged Council to mention that school buses are available for students when discussing the no parking ordinance.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

None

**ADJOURNMENT**

Having no further business to discuss, Council Member Holcombe moved to adjourn. The roll call vote taken was recorded as follows:

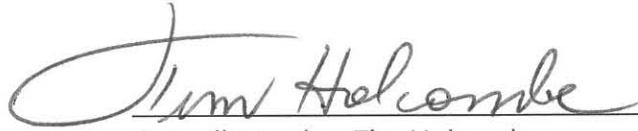
Council District No. 1 Tim Holcombe Aye  
Council District No. 2 Steve Smith Aye  
Council District No. 3 D.J. Klein Aye  
Council District No. 4 Mike Potter Aye  
Council District No. 5 Tommy Overcash Aye  
Council District No. 6 Gerald Clark Aye  
Council District No. 7 Ronica Ondocsin Aye

Motion carried.

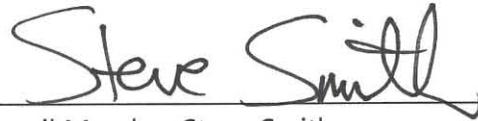
The meeting was adjourned at 7:50 p.m.

Signatures on the following page:

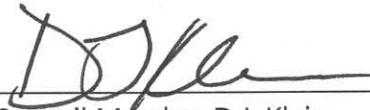
Minutes No. 2013-18-RG, dated September 23, 2013, read, approved and adopted this 14th day of October, 2013.



Council Member Tim Holcombe  
District One



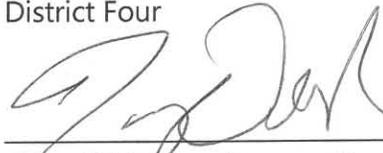
Council Member Steve Smith  
District Two



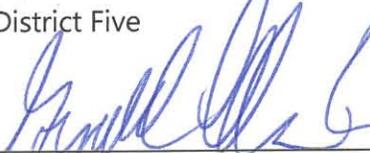
Council Member D.J. Klein  
District Three



Council Member Mike Potter  
District Four



Council Member Tommy Overcash  
District Five



Council Member Gerald Clark  
District Six



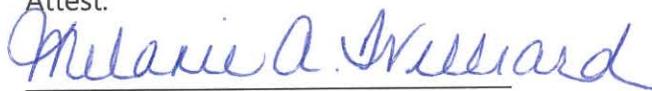
Ronica Ondocsin  
District Seven

Concur:

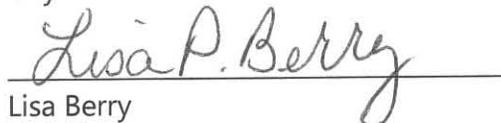


Troy Trulock  
Mayor

Attest:



Melanie A. Williard  
City Clerk-Treasurer



Lisa Berry  
Recording Secretary