

MINUTES NO. 2009-13-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
JUNE 8, 2009

The Madison City Council met in regular session on Monday, June 8, 2009, 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 6:05 p.m. by Council President Tommy Overcash.

Planning Commission Chairman Charlie Brown provided the invocation followed by the Pledge of Allegiance.

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	Absent
Council District No. 7 Bill Holtzclaw	Present

Also in attendance were: City Clerk-Treasurer Melanie A. Williard, City Attorney Anne-Marie Lacy, Revenue Officer Cameron Grounds, Police Sergeants Steve Wilkerson, Marc Bray and Don Monk, Police Investigators Pedro Maldonado and Marcus Scroggin, Planning Commission Chairman Charlie Brown, Engineering Technician Keith Conville, Police Administrative Assistant Sharon Monk, Police Animal Control Officer Don Koch, Finance Director Lillie Causey, Human Resources Director Terri Towry, City Engineering Director Gary Chynoweth, Acting Chief of Police Lee Weaver, City Planner Bob Atallo, Parks & Recreation Director Mike Cassell, Parks & Recreation Accounting/Payroll Assistant Gayle Milam, Fire Chief Ralph and Recording Secretary Kristen N. Bruseth

Public Attendance registered: Margaret Gleason, Ed Collins, Stephanie Schuly, Connie Spears, Bea Horton, Johnnie M. Jefferson, Don Webster, Frank Riddick, Ford Luttrell, Alex Luttrell, Andrew Luttrell, Shelaine Luttrell, Lynn Kronk, Jerry Kronk, Patrick and Lisa Fletcher, Amy Furfori

AMENDMENTS TO AGENDA

The following amendment was made to this evening's agenda:

- Deletion of Resolution No. 2009-121-R; approving an agreement with Huntsville/Madison County Convention and Visitors Bureau for annual appropriation under Mayor Finley's line of business

APPROVAL OF MINUTES

MINUTES NO. 2009-11-RG; MAY 26, 2009

Council Member Haraway moved to approve Minutes No. 2009-11-RG, as amended to reflect additional comments by YMCA representative Scott Mounts. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

MINUTES NO. 2009-12-SP; JUNE 2, 2009

Council Member Jennings moved to approve Minutes No. 2009-12-SP. Council Member Holcombe seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Abstain
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Abstain
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATIONS AND AWARDS

PRESENTATION OF MEDALS TO MADISON PARTICIPANTS IN THE SECTIONAL PITCH HIT AND RUN COMPETITION

Mayor Finley, Parks & Recreation Director Mike Cassell, assisted by Gayle Milam also with the Recreation Department, presented certificates of recognition to the following young men for their recent achievements in the Sectional Pitch Hit and Run competition:

- Ford Luttrell; 1st Place All Around Champion in 9-10 Age Division
- Jake Bickel; 3rd Place All Around Champion 13-14 Age Division
- Mike Bernier 1st Place All Around Champion 13-14 Age Division

PROPOSAL BY ENFINGER/STEELE DEVELOPMENT REGARDING PALMER ROAD PROPERTIES

Developer Jeff Enfinger, with Enfinger Steele Development, proposed selling 15 acres of land adjacent to Palmer Park at a 33 percent discount of the appraised value and requested that Council pay half of the appraisal cost which he estimates to be between \$1,000 and \$1,500.

Council Member Holtzclaw moved to approve the expenditure of funds, in an amount not to exceed \$1,500, for an appraisal of 15 acres adjacent to Palmer Park. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

Council will decide on whether or not they want to accept Mr. Enfinger's offer for the purchase of the property once it has been appraised.

PUBLIC COMMENTS

None

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$694,122.70
Gasoline Tax and Petroleum Inspection Fees	\$54,489.25
Series 2006 Bond Checking	\$58,173.45
Subdivision Cash Bond Account	\$2,500.00
Library Building Fund	\$1,967.97
Approval of payment to Skipper Consulting for work completed on Madison Major Street plan (to be paid from department budget)	\$4,900.00
Approval of payment to Wilmer & Lee for legal services rendered for Gillespie Road Extension project (to be paid from Capital Improvement budget)	\$600.00
Approval of payment to Wilmer & Lee for legal services rendered for Bradford Creek Greenway Phase I (to be paid from Capital Improvement budget)	\$150.00
Approval of payment to RAM Tool for materials supplied for the Eastview extension project (to be paid from Capital Improvement budget)	\$152.31

Acceptance of the following donations for the Madison Animal Rescue Foundation:

▪ Teri R. Phillips	\$25.00
▪ John M. Voisin	\$871.19
▪ Jama Pruitt	\$50.00
▪ Executive Leadership Skills	\$500.00
▪ Philippe & Donna Mahieux	\$50.00
▪ Steve & Kathleen Gilder	\$50.00
▪ Patricia A. Baxter	\$50.00
▪ Chauncy & Diane Jackson	\$90.00
▪ Lindsay Stower	\$75.00
▪ Sophie Floyd	\$30.00
▪ Debra Sparks	\$10.25
▪ Candice Smith	\$15.00
▪ Margaret Ballard	\$10.00
▪ H.M. White	\$100.00
▪ Melissa Knox	\$100.00
▪ John W. Horch	\$85.00
▪ Donna Mahieux	\$110.00
▪ Sonia Kromis	\$30.00
▪ Emily Peck	\$18.50
▪ Carla Carter	\$60.00
▪ Colleen Murch	\$50.00
▪ Cash proceeds from yard sale	\$2,982.00

Approval of payment to Milam Logging for services rendered in connection with the Eastview extension project (to be paid from Capital Improvement budget)	\$10,000.00
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Resolution No. 2009-122-R; declaring certain city property as surplus and authorizing its sale through GovDeals

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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

RESOLUTION NO. 2009-121-R; APPROVING AN AGREEMENT WITH HUNTSVILLE/MADISON COUNTY CONVENTION & VISITORS BUREAU FOR ANNUAL APPROPRIATION

This item was removed from the agenda.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

No business to report

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

No business to report.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

No business to report.

COUNCIL DISTRICT NO. 4 TIM COWLES

No business to report

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

NOMINATION FOR ZONING BOARD OF ADJUSTMENTS

Council President Overcash asked that Council look over the applications submitted by individuals interested in appointment to the Zoning Board of Adjustments and bring names forward for consideration at Council's next regular meeting.

CHIEF OF POLICE UPDATE

Council Member Cowles moved to authorize the Mayor to negotiate with Mr. Larry Muncey for the position of Police Chief. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

Absent

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

BLUE RIBBON FINANCE COMMITTEE UPDATE

The Committee is scheduled to give their report at the next Board of Education meeting scheduled for Thursday, June 11th.

PUBLIC HEARINGS

REQUEST FOR AN OFF-PREMISE BEER/WINE LICENSE FROM DRK, INC. (DBA COUNTY LINE CHEVRON) FOR THEIR LOCATION AT 820 PALMER ROAD

Revenue Officer Cameron Grounds recommended that Council approve this request contingent upon final approval from the Fire Department.

Council President Overcash opened the public hearing for any public comments regarding this request. There being none, he then closed the public hearing.

Council Member Cowles moved to consent to the issuance of an off-premise beer/wine license for DRK, Inc. doing business as County Line Chevron contingent upon final approval from the Fire Department. Council Member Haraway seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Abstain
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

DEPARTMENTAL REPORTS

REVENUE DEPARTMENT

PROPOSED ORDINANCE NO. 2009-103; EXEMPTING CERTAIN "COVERED ITEMS" FROM CITY OF MADISON SALES TAX DURING THE STATE SALES TAX HOLIDAY DURING THE FIRST FULL WEEKEND OF AUGUST 2009 (FIRST READING 05/26/09)

Council Member Cowles moved to approve Ordinance No. 2009-103. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RECREATION DEPARTMENT

RESOLUTION NO. 2009-120-R: AWARDING BID MRD-12-09 FOR THE AUTOMATIC DOORS AND HANDRAILS AT MADISON RECREATION

**DEPARTMENT TO ALATENN CONSTRUCTION AND PROPERTIES, LLC
(FUNDING FROM DEPARTMENTAL BUDGET)**

Council Member Holtzclaw moved to approve Resolution No. 2009-120-R.
Council Member Cowles 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

ENGINEERING DEPARTMENT

**ACCEPTANCE OF \$5,000 FROM JOHN HATHAWAY FOR A SURVEY OF
PROPERTY BETWEEN MADISON TOWNE CENTRE AND HUGHES ROAD**

Council Member Jennings moved to accept \$5,000 from John Hathaway. Council
Member Cowles 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PLANNING/BUILDING DEPARTMENT

City Planner Bob Atallo informed Council that on March 10th of this year certified letters were mailed to all owners of the following property, advising them of the City's intent to demolish the structures due to unsafe conditions. Mr. Atallo is requesting Council approval of demolition under Alabama State Statute 11-53B "Municipal Authority to Repair or Demolish Unsafe Structures" which states "It is the intent of this chapter to authorize a municipality of the state to proceed with the demolition or repair of a structure based on its own findings, and to set out a method for collecting the assessment liens so imposed."

Mr. Atallo noted that the property owners of 204 Pension Row and 207 Pension Row have purchased a permit for repairs and a demolition permit, respectively, but added that no work has been noticed at either location for some time now. He would like Council to authorize demolition proceedings on these two pieces of property but stated that his department will open dialogue with the owners again prior to moving forward with said demolition.

**RESOLUTION NO. 2009-114-R; REGARDING THE DEMOLITION OF UNSAFE
STRUCTURE LOCATED AT 204 PENSION ROW**

Council Member Cowles moved to approve Resolution No. 2009-114-R. Council
Member Haraway seconded.

Mr. and Mrs. Patrick Fletcher, owners of the property in question, appeared before Council requesting no action be taken at this time. They stated that repair work is ongoing, as their funds allow. Mr. Fletcher stated that he purchased a permit on March 10th and it clearly states on the permit that he has six months in which to make repairs. He added that he has spoken to the City on several occasions, the most recent being earlier today, making it known that he has put thousands of dollars in repair work into the structure to date.

Due to the ongoing repair work by the Fletchers, Council Member Cowles withdrew his motion to approve Resolution No. 2009-114-R. Council stressed that repairs did need to be complete by the expiration date of the work permit.

A member of the audience who did not approach the podium nor give her name asked the Fletchers what type of commercial business they intend to run from the structure once all required repairs have been made. She particularly expressed concern with a club of some sort. Mr. Fletcher informed her that they have absolutely no intention of opening a club adding that they want to have something that would be positive for the community and even went one step further to promise that he and his wife will not open a club at that location.

RESOLUTION NO. 2009-115-R; REGARDING THE DEMOLITION OF UNSAFE STRUCTURE LOCATED AT 207 PENSION ROW

James and Dillie Mae Toney appeared before Council stating that they too were under the impression that they had six months from the date of the permit to demolish the property at 207 Pension Row. Mrs. Toney added that she has become increasingly stressed each time she received a letter from the City regarding the Council's intent to have the property demolished and the fees applied to the lien even though the Toney's purchased a demolition permit on May 18th. They intend to demolish the structure themselves rather than hire someone to do it and as such it is taking them time to get everything in order for said demolition.

As the Toney's have expressed intent, and purchased a permit for demolition of the property, Council took no action at this time.

RESOLUTION NO. 2009-116-R; REGARDING THE DEMOLITION OF UNSAFE STRUCTURE LOCATED AT 209 PENSION ROW

Council Member Jennings moved to approve Resolution No. 2009-116-R. Council Member Cowles seconded.

A gentleman who did not provide his name but mentioned that he is the brother of the property owner approached Council admitting that there is a structure on 209 Pension Row that needs to be demolished however he wanted the City to know that there are two structures on the property; a single-story home and a two-story home. He added that the single-story dwelling is the only one that required demolition due to its condition and that he is in the process of performing repairs to the two-story structure.

City Planner Atallo informed Council that according to reports from city inspectors, both structures are considered unsafe. The City is unaware of repairs being made to the two-story as no permits have been purchased, as is required.

Council Member Jennings moved to withdraw his motion and further instructed the gentleman to meet with the Planning/Building Department for a list of repairs necessary to bring the structures up to Code and purchase the required building permit for said repairs.

RESOLUTION NO. 2009-117-R; REGARDING THE DEMOLITION OF UNSAFE STRUCTURE LOCATED AT 31 STONE STREET

Council Member Cowles moved to approve Resolution No. 2009-117-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-118-R; REGARDING THE DEMOLITION OF UNSAFE STRUCTURE LOCATED AT 196 DUSTY TRAIL

Council Member Cowles moved to approve Resolution No. 2009-118-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-119-R; REGARDING THE DEMOLITION OF UNSAFE STRUCTURE LOCATED AT 108 STEWART STREET

Council Member Cowles moved to approve Resolution No. 2009-119-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

LEGAL

LEGAL ACTION

PROPOSED ORDINANCE NO. 2009-102; VACATING 10-FOOT PEDESTRIAN EASEMENT BETWEEN LOTS 193 AND 194 IN MILLSTONE SUBDIVISION PHASE I (FIRST READING 05/26/2009)

Council Member Jennings moved to adopt Ordinance No. 2009-102. Council Member Holtzclaw 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

FIRST READINGS

PROPOSED ORDINANCE NO. 2009-111; ACCEPTING A UTILITY AND DRAINAGE EASEMENT ON LOTS 8, 10, 11, 12 AND 13 IN LAUREN PRESERVE

This was considered a first reading only.

PROPOSED ORDINANCE NO. 2009-112; ACCEPTING A PEDESTRIAN RIGHT-OF-WAY ON LOT 16 OF LAUREN PRESERVE

This was considered a first reading only.

PROPOSED ORDINANCE NO. 2009-113; ACCEPTING UTILITY AND DRAINAGE EASEMENT ON LOT 16 OF LAUREN PRESERVE

This was considered a first reading only.

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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

The meeting was adjourned at 7:09 p.m.

Signatures on following page.

Minutes No. 2009-13-RG, dated June 8, 2009, read, approved and adopted this 22nd day of June 2009.

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 Bill Holtzclaw
District Seven

Concur:

Paul Finley
Mayor

Attest:

Melanie A. Williard
City Clerk-Treasurer

Kristen N. Bruseth
Recording Secretary