

MINUTES NO. 2009-21-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
SEPTEMBER 14, 2009

The Madison City Council met in regular session on Monday, September 14, 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 6:02 p.m. by Council President Tommy Overcash.

Pastor Phillip Carithers with Wall Highway Baptist Church provided the evening's invocation. The Pledge of Allegiance was led by Council President 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	Absent
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 Bill Holtzclaw	Present

Also in attendance were: City Clerk-Treasurer Melanie Williard, Police Investigator Marcus Adams, Assistant City Clerk-Treasurer Stacy Gilley, Mayor's Executive Assistant Taylor Edge, Revenue Officer Cameron Grounds, Finance Director Lillie Causey, Building Director Cody Phillips, Legal Assistant Lisa Bullock, HR Director Terri Towry, Parks & Recreation Director Mike Cassell, Deputy Fire Chief Jeff Birdwell, Finance Purchasing Officer Marilyn Story, Parks & Recreation Department Maintenance Division Administrative Assistant Levoneia Summerour, Parks & Recreation Department Maintenance Operations Manager Boyde Allison, Public Works Director Dana Stahl, Police Chief Larry Muncey, and Recording Secretary Kristen N. Bruseth

Public Attendance registered: Sharon Gilbreath, Joe Gehrdes representing Huntsville/Madison County Builders Association, Steve Kirkpatrick with United Way, Debbie Overcash, William J. Dawson, Pat Cross, Ed Collins, Jennifer Few, Amy Furfori, Charlie Brown, Frank Riddick, Alison Callahan, Katie May, Cindy Wester, Don Webster, Joe Murphy, Bobby DeNeeffe and W.F. Fuller

AMENDMENTS TO AGENDA

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

- o Addition to "Presentations and Awards"; United Way – "Day of Action" presentation
- o Addition to "Consent Agenda and Finance Committee Reports": Acceptance of \$250 from Madison Disability Advisory Board for purchase of bricks for wall project at handicapped accessible playground

APPROVAL OF MINUTES

MINUTES NO. 2009-19-RG; AUGUST 24, 2009

Council Member Haraway moved to approve Minutes No. 2009-19-RG. 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	Abstain
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

MINUTES NO. 2009-20-SP, AUGUST 31, 2009

Council Member Jennings moved to approve Minutes No. 2009-20-SP. Council Member Holtzclaw 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	Abstain
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATIONS AND AWARDS

PRESENTATIONS BY THE BEAUTIFICATION-TREE BOARD

PLAQUE TO MRS. WILLIAM CLINE

On behalf of the entire Beautification-Tree Board, President Pat Cross presented a memorial plaque to Mrs. William Cline in honor of her husband William Cline, who died on March 3, 2009 and was a long time member of the Beautification-Tree Board.

The plaque will be erected on what will become known as "Bill's Hill" at Dublin Memorial Park; a rose garden consisting of Knockout roses. Mr. Cline was a charter member of the Knockout Rose Committee.

Council President Overcash also presented to Mrs. Cline a proclamation declaring September 14th, 2009 as "William H. Cline Day" in the City of Madison. A round of applause was given.

PLAQUE TO PARKS & RECREATION DEPARTMENT

Mrs. Cross recognized the Parks & Recreation Department for their tireless provision of services to the Beautification-Tree Board; namely Levoneia Summerour for her successful efforts over the past few years in securing recognition for the City as a "Tree City USA" city. Mrs. Cross also mentioned other avenues that the Parks & Recreation Department have been instrumental to their Board; "Clean the Green" project, the planting of roses at "Bill's Hill" at Dublin Park, the placement of "Beautification" award signs, assistance in planting knockout roses, the City's signature rose, at various locations throughout the City. A round of applause was given.

DESIGN FOR "GETTING TO WOW" PROJECT AT MUNICIPAL BUILDING

Beautification-Tree Board Vice-President Debbie Overcash gave a brief review of the "Getting to Wow" project to be undertaken at the Municipal Complex. Most of the materials utilized will be recycled from plantings already in use. The Public Works Department will remove the Bradford Pear trees that are planted in front of the main entrance as well as make repairs to the sidewalk that has been damaged by the tree roots.

As Council liaison to this Board, Council Member Holtzclaw stated that he is amazed at the accomplishments of the Board and thanked them for their hard work in making the city more aesthetically pleasing.

MRS. KRISTEN KULAVICH; AIR QUALITY IMPACT UPDATE

Mrs. Kulavich reported on revised ozone standards and how they impact the City's current operational functions. In closing, she requested \$1,500 to fund projects involving sustainability issues, which she will submit in writing to the Mayor's Office this week.

MRS. CINDY WESTER AND MRS. KATIE MAY; UNITED WAY ORGANIZATION

Mrs. Cindy Wester, Marketing and Communications Director with United Way in Madison County, introduced Mrs. Katie May, an ex-officio member of the United Way Board of Directors. Mrs. Mays invited Council and the public to attend "A Day of Action" at Mill Creek Greenway, Saturday, October 10th, from 11:30 am to 1:30 pm where volunteers will be installing "Wonder Walk" signs along the trail. Wonder Walks are a series of signs that give instructions on simple activities that stimulate the learning process in young children. Families are invited to walk the trail and participate in activities for children; face-painting, story telling, bubble-blowing and much more. Ice cream and hot dogs will be provided at this free event.

PUBLIC COMMENTS

MR. DON SPENCER, JR.; ACTION ITEM LIST

Mr. Spencer, a resident and business owner in Madison, commented on a few Action Item List topics mentioned at Council's last regular meeting. They are as follows:

- Need for revision to R4 Zoning Ordinance
- Withhold action on junkyard on Shorter Street
- Action needed on proposed County Line Road / I-565 interchange

Council Member Cowles agreed with Mr. Spencer in that Council needs to address the issue of R4 zoning in the City as well as push the County Line Road interchange issue. Council Member Holtzclaw requested that Council move forward with scheduling a Work Session to discuss further these issues.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$857,708.07
Gasoline Tax and Petroleum Inspection Fees	\$55,472.83
Series 2006 Bond Checking	\$214,522.46
Police Investigation Holding	\$934.00
Library Building Fund	\$41,251.01
Water Distribution & Storage Projects	\$2,500,025.58

Acceptance of payment to Wilmer & Lee for legal services rendered for Gillespie Road extension project (to be paid from Capital Improvement budget)\$345.00

Approval of payment to Building & Earth Sciences, Inc. for geotechnical services performed on Wall Triana Improvements project (to be paid from capital improvement budget) \$6,085.50

Approval of payment to Angelo lafrate Construction Co. for work completed on bid MED-09-09 (construction of bridges) (to be paid from Capital Improvement budget) \$186,632.10

Approval of payment to Skipper Consulting, Inc. for work completed on major street plan (to be paid from Engineering Department budget) \$5,600.00

Approval of payment to Florence & Hutcheson for engineering services completed on Wall Triana widening project (to be paid from Capital Improvement budget) \$14,124.00

Approval of payment to the following vendors for materials or services rendered for the Balch Road extension project (to be paid from capital improvement budget):

1.	Wilson Lumber	\$76.04
2.	United Rentals	\$310.34
3.	Eagle Wholesale	\$371.32
4.	Lowes	\$87.97
5.	Turfgrass American	\$2,721.60
6.	Keith Southard	\$180.00
7.	Alabama Concrete	\$551.00

Approval of payment to the following vendors for services rendered for the Mill Road improvement project (to be paid from capital improvement budget):

1.	Vulcan Materials	\$2,093.03
2.	Reed Contracting	\$8,131.26

Approval of payment to Osborn & Associates for construction documents for new Fire Station (to be paid from capital improvement budget) \$14,700.00

Acceptance of donation in the amount of \$40 from Cricket's Restaurant to be deposited into Fire Department donation account

Acceptance of donation in the amount of \$10 from Chen Hwa Siao & Kuei Chu Siao to be deposited into Fire Department donation account

Acceptance of donations to Madison Animal Rescue Foundation in the total amount of \$4,231.50

Resolution No. 2009-191-R; declaring certain city property as surplus and of negligible value and authorizing its disposal

Approval of payment to Osborn & Associates for services rendered for Dublin Park door update project (to be paid from capital improvement budget) \$250.00

Acceptance of \$250 from Madison Disability Advisory Board for purchase of bricks for wall project at handicapped accessible playground at Palmer Park

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

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

MAYOR'S REPORT

Absent

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

STREET FESTIVAL COMMITTEE REPORT

The Street Festival continues to meet in preparation for this year's 29th annual event, to be held at downtown Madison on Saturday, October 3 beginning at 8:45 am with a parade and ending at 4:00 p.m., rain or shine.

DOWNTOWN SIDEWALK ISSUES

Council Member Holcombe is working with several business owners and the Engineering Department regarding the sidewalks downtown in order to have access from the stadium to the downtown area.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

No business to report.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

SENIOR CENTER EXPANSION PROJECT

Council Member Jennings requested that the city move forward with the bid process for this project. Finance Director Lillie Causey reported that her department is currently awaiting bid specifications from the architect. Council Member Jennings stated that he will contact the architect to determine the current status of the plans.

CONFERENCE ATTENDANCE

Council Member Jennings reported that he will be attending the North Alabama Industrial Development Conference tomorrow and Wednesday in Florence, on behalf of the City.

COMMENTS REGARDING RECENT MURDER OF MADISON CITIZEN SHIRLEY ROBUCK

Council Member Jennings stated that the senior community on Sunday lost a valuable member, Mrs. Shirley Robuck. Mrs. Robuck was a member of the Senior Advisory Committee and an active member of the Senior Center.

COUNCIL DISTRICT NO. 4 TIM COWLES

CITY CEMETERY GARDEN

Council Member Cowles stated that he has been approached by a group interested in placing a series of gardens and a walking path at Madison Cemetery off of Mill Road. They anticipate needing funding assistance for the connection of a water meter and planting materials in an estimated amount not to exceed \$2,000. Council Member Cowles will have a more detailed report at a later date.

CONSTITUTION REMEMBRANCE

On September 17, 1787, the United States Constitution was adopted in Philadelphia. Council Member Cowles asked everyone to remember this important date in our country's history.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

CITY ATTORNEY INTERVIEWS

Council President Overcash stated that the list of candidates for the City Attorney position has been narrowed down to four.

COMMENDATION OF POLICE AND FIRE DEPARTMENTS DURING INCIDENT THIS PAST WEEKEND

Council President Overcash congratulated the Police Department in the apprehension of the murder suspect and the Fire Department for their quick response to the structure fire associated with the crime.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

TRAIL OF TEARS EVENT

This Saturday the annual Trail of Tears ride will travel through the City of Madison; stopping off at approximately 10:00 am at the Old Pottery parking lot on Madison Boulevard. The ride will pick back up around 11:30 am.

Also related to this event, there will be a rally this Friday night, from 5:00 p.m. until 10:00 p.m. with live music and vendors at the Old Pottery parking lot.

FY 09/10 BUDGET PREPARATION

Council Member Vannoy stated that the draft budget submitted to the Finance Committee recently by Mayor Finley requires a little bit of work in terms of projected revenues. A Finance Committee meeting will be held this Wednesday beginning at 7:00 p.m. to discuss this issue.

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

No business to report.

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

ENGINEERING DEPARTMENT

PROPOSED ORDINANCE NO. 2009-168; ACCEPTING PROPERTY FROM R.WAYNE WOLFE, PHILIMOND S. SMITH, JOSEPH C. MURPHY AND MILL ROAD DEVELOPERS, LLC FOR THE MILL CREEK GREENWAY TO BROWNSFERRY ROAD EXTENSION PROJECT (FIRST READING 08/24/09)

Council Member Holcombe moved to adopt Ordinance No. 2009-168. 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 Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE 2009-182; ACCEPTING DEED FOR TRACT 7 FOR THE GILLESPIE ROAD EXTENSION PROJECT (FIRST READING)

This was considered a first reading only.

RESOLUTION NO. 2009-183-R; APPROVING AN AGREEMENT BETWEEN THE CITY OF MADISON AND MADISON COUNTY FOR THE CITY TO ACT ON BEHALF OF THE COUNTY FOR NEGOTIATIONS ON TRACT 17 AND 17A ON THE GILLESPIE ROAD EXTENSION PROJECT

Council Member Haraway moved to approve Resolution No. 2009-183-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 Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-184; TRAFFIC CALMING (FIRST READING)

Council Member Holcombe stated that he believes there are currently too many hoops for residents to jump through to have traffic calming devices installed in their neighborhoods. He also feels that in some instances the devices have been installed to deter the volume of traffic rather than the speed of motorists, as was the original reason behind the implementation of the devices. Lastly, Council Member Holcombe would like to see something written into the Ordinance that would address the means to remove the devices rather than the current one that the City must go through. City Engineer Gary Chynoweth stated that the proposed change to the Ordinance would allow Council the right to have the devices removed, if it is deemed necessary.

Council Member Haraway stated that the Engineering Department can recommend removal of the devices but he doesn't think that Council should back into the game of the devices being installed.

This was considered a first reading.

PROPOSED RESOLUTION NO. 2009-185-R; AWARDING BID NO. MED-18-09 FOR IMPROVEMENTS TO HUGHES ROAD/HIGHWAY 72 INTERSECTION TO APAC-SOUTHEAST IN THE AMOUNT OF \$320,181.98 (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Jennings moved to approve Resolution No. 2009-185-R. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-186-R; AWARDING BID NO. MED-19-09 FOR BRADFORD CREEK GREENWAY PHASE 1

This item is not ready for Council action due to incomplete bid submission documentation.

FIRE

RESOLUTION NO. 2009-187-R; APPROVING A TECHNICAL SERVICE SUPPORT AGREEMENT IN THE AMOUNT OF \$5,156 WITH PHYSIO-CONTROL, INC. (TO BE PAID FROM DEPARTMENTAL BUDGET)

Council Member Jennings moved to approve Resolution No. 2009-187. 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 Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-188-R; APPROVING A SERVICE AGREEMENT WITH MOTOROLA IN THE AMOUNT OF \$5,881.20 (TO BE PAID FROM DEPARTMENTAL BUDGET)

Council Member Jennings moved to approve Resolution No. 2009-188-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 Bill Holtzclaw	Aye

Motion carried.

CITY CLERK

RESOLUTION NO. 2009-189-R; DESIGNATING FIRST COMMERCIAL BANK AS DEPOSITORY FOR THE ENERGY BLOCK GRANT

Council Member Jennings moved to approve Resolution No. 2009-189-R. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-169; SETTING FEE FOR ONLINE CREDIT CARD PAYMENTS THAT ARE DISPUTED OR CHARGED BACK (FIRST READING)

Council Member Haraway moved to adopt Ordinance 2009-169. 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 Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-190-R; APPROVING AN AGREEMENT WITH MADISON UTILITIES FOR FEE BILLING AND COLLECTION SERVICES

Council Member Haraway moved to approve Resolution 2009-190-R. Council Member Vannoy 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 Bill Holtzclaw	Aye

Motion carried.

UPDATE ON REPAIR OF STORM DAMAGE TO CITY BUILDINGS

Eleven city buildings sustained roof damage from a tornado this past May. City Clerk-Treasurer Melanie Williard informed Council that a bid package is being prepared and hopes to have it out on the street shortly so that work can begin soon. She added that no repairs will be made to the roof of Fire Station No. 2, as plans call for a new fire station to be built.

LEGAL

FIRST READINGS

PROPOSED ORDINANCE 2009-180; ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY LOCATED IN LIMESTONE COUNTY AS REQUESTED BY PROPERTY OWNER MITCHELL-FRAZIER FARMS, LP (APPROXIMATELY 70 ACRES)

This was a first reading of proposed Ordinance 2009-180.

PROPOSED ORDINANCE NO. 2009-181; ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY LOCATED IN LIMESTONE COUNTY AS REQUESTED BY OWNER STAN ROSETTI (30232 HARDIMAN ROAD)

This was a first reading of proposed Ordinance No. 2009-180.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

None

ADJOURNMENT

Having no further business to discuss, Council Member Haraway 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 Bill Holtzclaw	Aye

Motion carried.

The meeting was adjourned at 7:33 p.m.

Signatures on following page.

Minutes No. 2009-21-RG, dated September 14, 2009, read, approved and adopted this 28th day of September 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