

**MINUTES NO. 2010-11-RG**  
**OF A**  
**REGULAR MEETING**  
**OF THE CITY COUNCIL OF**  
**THE CITY OF MADISON, ALABAMA**  
**JUNE 14, 2010**

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The Madison City Council met in regular session on Monday, June 14, 2010, 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 6:01 p.m. by Council President Holtzclaw.

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

**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	Absent
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: Fire Chief Ralph Cobb, Planning Director Amy Furfuri, Acting Parks & Recreation Director Mike Cassell, Executive Assistant to the Mayor Taylor Edge, Police Chief Larry Muncey, Building Director Cody Phillips, City Clerk-Treasurer Melanie A. Williard, City Attorney Kelly Butler, Police Lieutenant Steve Wilkerson, Finance Director Lillie Causey, Public Works Director Dana Stahl, City Engineer Gary Chynoweth and Recording Secretary Kristen N. Bruseth

Public Attendance registered: Jon Howell, Gary Becalt, Cary Hilton, CG Summer, Jim Graham, Ed Sandlin, Thomas Scovill, Joe Gehrdes representing Huntsville/Madison County Builders Association, Troy Wesson, George Nelson, Mike Potter, Arthur Spencer, Frank H. Riddick, John D. Seifert II, Carol Kuhn, Bill Kuhn, Don Spencer, Jr., Tim Morris, Miranda Cassell, WC Fuller, Damien Bianca, John Wisda and one illegible signature

**AMENDMENTS TO AGENDA**

Council President Holtzclaw announced the following amendment to this evening's agenda:

- Addition to Consent Agenda; payment to Moon Construction in the amount of \$144,779.57 for services related to the Police Department expansion project (to be paid from Capital Improvement Project budget)

**APPROVAL OF MINUTES**

**MINUTES NO. 2010-10-RG; MAY 24, 2010**

Council Member Haraway moved to approve Minutes No. 2010-10-RG. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**MINUTES NO. 2010-03-WS; APRIL 21, 2010**

Council Member Haraway moved to approve Minutes No. 2010-03-WS. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**MINUTES NO. 2010-04-WS; MAY 19, 2010**

Council Member Vannoy moved to approve Minutes No. 2010-04-WS. 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	Absent
Council Member Tim Cowles	Abstain
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**MINUTES NO. 2010-05-WS; MAY 24, 2010**

Council Member Haraway moved to approve Minutes No. 2010-05-WS. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**PRESENTATIONS AND AWARDS**

**PRESENTATION BY HUNTSVILLE/MADISON COUNTY EMERGENCY MANAGEMENT AGENCY**

Mr. Rusty Russell, Director of the Huntsville/Madison County Emergency Management Agency, presented a brief overview of the agency, focusing specifically on their operating budget.

**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, 530 HIGHLAND DRIVE; ADDRESS ISSUE OF CAMPAIGN CONTRIBUTIONS AND POLITICKING BY THE BOARD OF EDUCATION**

Mr. Scovill spoke on campaign finance and school construction. Volkert Construction Services was hired by the Madison City School Board to oversee the construction of the new high school to be built on County Line Road. Mr. Scovill discovered that Volkert was fired by the Mobile County Public Schools System in 2003 and in April Randolph County hired and fired Volkert in the same week due to contract and licensing issues.

Mr. Scovill also mentioned that Volkert contributed over \$5,250 to Board Member Sue Helms' campaign efforts in her bid for a position on the State School Board. When Mr. Scovill voiced his concerns regarding the contribution to the City's School Superintendent he was told there were no violations involved with the contribution. Mr. Scovill asked the City to investigate these issues.

**MR WC FULLER, 101 ARDEN CIRCLE; RECENT HIRING OF CITY PLANNER/DIRECTOR OF COMMUNITY DEVELOPMENT**

Mr. Fuller asked Council if the Mayor formally submitted his recommendation to them for the recent hiring of Mrs. Amy Furfori as City Planner. Council President Holtzclaw explained to Mr. Fuller that the Council is tasked with appointing the Fire Chief, Police Chief, City Clerk-Treasurer and the City Attorney. All other city positions fall under the domain of the Mayor. Mr. Fuller stated that he believes the hiring of the City Planner should also fall under the responsibility of the Council.

Mr. Fuller voiced concerns he has regarding what he sees as the Mayor's involvement in commercial zoning projects throughout the City. Mayor Finley stated that there is a checks and balances system in place as rezoning requests are brought before staff of the Planning Department, the Planning & Zoning Commission and then the City Council before any changes are made.

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

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

General Operating Account	\$785,364.84
Gasoline Tax and Petroleum Inspection Fees	\$28,726.66
Series 2006 Bond Checking	\$86,087.17

Library Building Fund	\$2,143.70
Municipal Government Capital Improvement	\$948.00
Federal Forfeiture	\$1,900.00

- Approval of payment to Madison Utilities for fees to add sewer availability to the Senior Center expansion (to be paid from Capital Improvement budget)\$1,529.50
- Approval of payment to Osborne & Associates for fees for architectural services for the Recreational Activities parking lot (to be paid from Capital Improvement budget) \$1,500.00
- Approval of payment to Osborne & Associates for fees for architectural services for Dublin Park pool roof repair (to be paid from Capital Improvement budget) \$625.00
- Approval of payment to JC Cheek for striping of Hughes Road and Highway 72 intersection (to be paid from Capital Improvement budget) \$1,460.00
- Approval of payment to Alabama Department of Environmental Management for Notice of Registration for Wall Triana/Highway 72 project (to be paid from Capital Improvement budget) \$375.00
- Approval of payment to Vulcan Materials for pug mix purchased for Balch Road extension project (to be paid from Capital Improvement budget) \$1,774.59
- Approval of payment to Eagle Wholesale for manhole cover for Balch Road extension project (to be paid from Capital Improvement budget) \$219.00
- Approval of payment to Alabama Concrete Company, Inc. for concrete for Mill Road Improvement project (to be paid from Capital Improvement budget) \$119.00
- Approval of payment to Wilmer & Lee for legal services related to Gillespie Road extension project (to be paid from Capital Improvement budget) \$150.00
- Approval of payment to M & D Land Development for work completed on Mill Road culverts related to Mill Road drainage improvements (to be paid from Capital Improvement budget) \$13,977.45
- Approval of payment to Madison Utilities for water usage for Balch Road extension project (to be paid from Capital Improvement budget) \$69.39
- Approval of payment to McDonald Brothers Construction for work completed on Emerson Road extension project (to be paid from Capital Improvement budget) \$29,302.50
- Approval of payment to Big Spring Surveyor & Co. for 2 legal descriptions related to Abidi property and Sullivan Street intersection improvements (to be paid from Capital Improvement budget) \$150.00
- Approval of payment to Eagle Wholesale Supply, Inc. for aluminum lid related to detention pond modifications (to be paid from Capital Improvement budget) \$715.00

- Approval of payment to Reed Contracting for asphalt related to Balch Road extension project (to be paid from Capital Improvement budget) \$9,100.62
- Approval of payment to United Rentals for mini excavator rental related to Balch Road extension project (to be paid from Capital Improvement budget) \$989.72
- Approval of payment to OMI, Inc. for construction materials testing services related to Wall Triana/Highway 72 intersection project (to be paid from Capital Improvement budget) \$2,874.50
- Resolution No. 2010-168-R; authorizing the disposal or destruction of certain Building Department records
- Resolution No. 2010-160-R; authorizing the purchase of GPS Units from State Contract No. T-002 July 31, 2010 to July 31, 2011
- Resolution No. 2010-161-R; authorizing the purchase of video surveillance camera/equipment from State Contract No. T-011 March 5, 2010 to March 5, 2011
- Resolution No. 2010-162-R; authorizing the purchase of commercial lawn mowers from State Contract No. T-225 July 7, 2010 to July 7, 2011
- Resolution No. 2010-163-R; authorizing the purchase of sign truck bodies from State Contract No. T-911 June 19, 2010 to June 19, 2011
- Approval of progress payment to in the amount of \$144,779.57 for services related to the Police Department expansion project (to be paid from Capital Improvement Project budget)

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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

## **PRESENTATION OF REPORTS**

### **MAYOR PAUL FINLEY**

#### **RESOLUTION NO. 2010-159-R; APPROVING AN AGREEMENT WITH THE HUNTSVILLE-MADISON COUNTY EMERGENCY MANAGEMENT AGENCY FOR THEIR ANNUAL APPROPRIATION**

Council Member Overcash moved to approve Resolution No. 2010-159-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye

Council Member Larry Vannoy Aye  
Council Member Bill Holtzclaw Aye

Motion carried.

**ACCEPTANCE OF A DONATION FROM REPRESENTATIVE MIKE BALL FOR DOWNTOWN PARKING IMPROVEMENTS IN THE AMOUNT OF \$19,137.29**

Council Member Holcombe moved to accept the donation of state funds in the amount of \$19,137.29 from Rep. Mike Ball to be used for downtown parking improvements. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**ACCEPTANCE OF THE FOLLOWING DONATIONS FROM SENATOR ORR:**

- **\$10,000 FOR DOWNTOWN REVITALIZATION, PHASE I**
- **\$5,000 FOR DOG PARK**

Council Member Haraway moved to accept the two state fund donations from Senator Orr in the amount of \$10,000 to be used for downtown revitalization and a donation in the amount of \$5,000 for a dog park. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**APPROVAL TO PROCEED WITH MILL CREEK DOG PARK**

Mayor Finley presented a conceptual drawing of the proposed location of a dog park at Mill Creek greenway. It was the general consensus of Council to have the Mayor move forward with the dog park project.

**PLANNING & ZONING MEETINGS TELEVISED**

Mayor Finley asked Council if they were open to having the Planning & Zoning Commission meetings televised in addition to the Council Meetings. Council President Holtzclaw requested that Planning Commission Chairman Charlie Brown be asked if he has any problems with televising their meetings on Channel 42.

**INTRODUCTION OF NEW CITY PLANNER AMY FURFORI**

Mayor Finley introduced Mrs. Amy Furfori as the City's new Director of Community Development and Planning. She was formerly the City's economic

development coordinator with the economic development firm of Houseal, Lavigne Associates.

**ARMED FORCES WEEK**

Mayor Finley recognized that this week is Armed Forces Week.

**COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

**RECOGNITION OF CHAMBER OF COMMERCE SCHOLARSHIP WINNER BYRON HOLLEY**

Council Member Holcombe announced that Mr. Byron Holley is this year's recipient of the Madison Chamber of Commerce Youth Council Scholarship, in the total amount of \$4,000.

**RECOGNITION OF 16 MAIN STREET FOR GRAND OPENING**

Council Member Holcombe attended the grand opening of 16 Main Street on Friday, June 4<sup>th</sup>. He urged everyone to visit the gallery and view the artwork of local talent.

**CHAMBER OF COMMERCE-OFFICE RELOCATION TO YMCA PROPOSAL**

Council Member Holcombe stated that the Chamber's lease will expire at the end of October and asked for Council consensus that the Chamber be allowed to relocate at that time to the newly built YMCA located off of Hughes Road. City Attorney Butler has been asked to prepare a proposed contract for this item.

**COUNCIL DISTRICT NO. 2 STEVE HARAWAY**

Council Member Haraway publicly thanked Public Works Director Dana Stahl and Acting Recreation Director Mike Cassell for assisting Bob Jones High School with their field maintenance recently.

**COUNCIL DISTRICT NO. 3 JERRY JENNINGS**

Absent

**COUNCIL DISTRICT NO. 4 TIM COWLES**

No business to report.

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

No business to report.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

**PROPOSED ORDINANCE NO. 2010-157; ADOPTING THE REVISED ANNUAL OPERATING BUDGET FOR THE CITY OF MADISON FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010**

Council Member Vannoy gave a brief outline of the proposed revised annual operating budget before Council this evening.

Council Member Vannoy moved to adopt Ordinance No. 2010-157. Council Member Cowles seconded.

Mayor Finley asked Finance Director Lillie Causey if there is enough money in the budget for the Public Works Department to purchase the knuckleboom they need. Mrs. Causey recommended that Council amend the motion increasing the Public Works Department budget by \$30,000 and decreasing the City's net revenue by the same amount.

Council Member Vannoy amended his previous motion moving to increase the Public Works Department budget by \$30,000 and decreasing the City's net revenue by \$30,000. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

#### **COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW**

##### **BOB JONES HIGH SCHOOL NATIONAL RANKING**

Bob Jones High School recently ranked Number 808 out of 1,622 schools nationwide in the annual "America's Best High Schools" by Newsweek Magazine.

##### **BOB JONES HIGH SCHOOL 7 ON 7 TOURNAMENT**

Council Member Haraway stated that this Thursday and Friday Bob Jones High School will hold their annual "7 on 7" Tournament which is a fundraiser for the sports program.

#### **PUBLIC HEARING**

##### **PROPOSED ORDINANCE NO. 2010-132; REZONING CERTAIN PROPERTY LOCATED WEST OF BALCH ROAD AND SOUTH OF GILLESPIE ROAD (5.49 ACRES) FROM R-3A TO B-2 AS REQUESTED BY WIZ KIDZ, LLC (FIRST READING MAY 10, 2010)**

City Planner Amy Furfori gave a brief overview to Council of the location of the property in question and added that the Planning Commission does recommend approval of this request.

Council Member Holcombe added that this parcel of land was annexed into the City of Madison in January 2008. Originally the developer sought commercial zoning but the Planning Commission denied the request so the property was then rezoned residential.

Dr. John Wisda, developer and owner of the property, gave a brief history of his attempts to have the property developed as residential and his subsequent request to have the property rezoned commercial.

Dr. Wisda informed Council that if he is allowed to tie his subdivision in from Emerson Road then he will forgo this rezoning request.

Council President Holtzclaw asked Dr. Wisda what his plans are for the property. Dr. Wisda stated that he is not leaning towards anything specific right now. Council Member Haraway asked Dr. Wisda if he has any plans on selling the property

once it is rezoned. Dr. Wisda informed him that he generally buys and holds property but if someone were to make him a good offer on the property then he'd sell.

Council President Holtzclaw opened the public hearing for comments from floor.

The following residents spoke against this proposed rezoning:

- Mrs. Carol Kuhn, Glen Ives Way
- Mr. Bill Kuhn, Glen Ives Way
- Mrs. Miranda Cassell, Knotting Place
- Mr. John Seifert, Woodley Road

The following residents spoke in favor of the proposed rezoning:

- Mr. Troy Wesson, Thoreau Spring Court
- Mr. Don Spencer, Jr., Morris Drive

Mayor Finley stated that the City is currently soliciting proposals for the preparation a new Comprehensive Plan for the City. Fourteen proposals were received with Mayor Finley and his review committee reducing that number to three. Those three will be invited to make a presentation in approximately one week. Mayor Finley will then make a recommendation to Council. Mayor Finley estimates a completed Comprehensive Plan no less than 8 months and no more than 12 months.

Council Member Holcombe asked if the City is required by law to act on this request. City Attorney Kelly Butler stated that by law the City is required to begin the process for either approval or denial of a rezoning request once an application for such is submitted.

Mr. Cary Hilton, Old Provence Place, reminded Council of the issues he brought forth to them at a recent meeting in regards to the Publix Shopping Center on County Line Road which is adjacent to residential zoning. He also added that Council Member Holcombe, in his opinion, should not have been asked by Dr. Wisda to recuse himself from the vote tonight on the rezoning requests.

Mr. Ed Collins, residing on Crown Ridge Drive and a member of the Alabama Concerned Homeowner's Alliance, believes there should be some sort of disclosure in regards to the rezoning requests this evening by Dr. Wisda.

There being no further comments from the public, Council President Holtzclaw closed the public hearing and entertained a motion from Council.

Council Member Overcash asked City Attorney Butler what the timeframe is for the City in terms of having to vote on this issue and asked for confirmation in that if Council denies a rezoning request the petitioner must wait a year before resubmitting another request for the same parcel. Attorney Butler stated that the clock started ticking when Wiz Kidz submitted their application for zoning, which was in April therefore the City needs to take action on it relatively soon. Mrs. Butler did confirm that the time period for resubmission of a rezoning request after denial is one year.

Council Member Vannoy stated that he believes the City can in fact continue the Public Hearing to another date. Council President Holtzclaw stated that the point of tabling this item tonight is to give the city time to formulate an updated long range plan as well as give the petitioner and Walden HOA an opportunity for further negotiations. He added that he is not against the zoning but does not want another Dollar General situation, for example.

Council Member Overcash stated that it makes him nervous for Dr. Wisda to mention private negotiations. City Attorney Butler recommended that Council Member

Holcombe abstain from a vote on this due to putting himself in a possible position of conflict. She also added that the negotiations are not relevant to Council's decision this evening.

Council Member Cowles stated that as far as the comment made earlier about there already being empty commercial real estate throughout the City, that is Dr. Wisda's choice and the City should not take that into consideration when deciding on the rezoning request.

Council Member Vannoy asked if the City could condemn the property adjacent to Emerson Lane if Walden HOA refuses to give Dr. Wisda access. City Planner Furfori explained that the HOA owns the property that is in between the right-of-way and Emerson Lane and was allowed by the City to be platted that way. Attorney Butler also pointed out that in essence the City would then be condemning private property for something other than a public interest, a practice which she does not recommend.

Council Member Haraway asked City Engineer Gary Chynoweth what the traffic flow would be like if this property were to be zoned commercial. Mr. Chynoweth informed him that residential zoning generates more traffic than commercial does.

Council Member Vannoy moved to table Ordinance No. 2010-132 until the next regular meeting in order to allow for further discussion between Dr. Wisda and Walden HOA. 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	Absent
Council Member Tim Cowles	Nay
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2010-134; REZONING CERTAIN PROPERTY LOCATED WEST OF BALCH ROAD AND SOUTH OF GILLESPIE ROAD (2.75 ACRES) FROM R-3A TO B-2 AS REQUESTED BY WIZ KIDZ, LLC (FIRST READING MAY 10, 2010)**

Council President Holtzclaw opened the public hearing for public comments regarding this rezoning request.

The following residents spoke against this proposed rezoning:

- Mr. Bill Kuhn, Glen Ives Way
- Mr. John Seifert, Woodley Road

The following residents spoke in favor of the proposed rezoning:

- Mr. Don Spencer, Jr., Morris Drive

There being no further public comments Council President Holtzclaw closed the public hearing and entertained a motion from Council.

Council Member Vannoy stated that the person with the most to lose with poorly developed commercial property is Dr. Wisda.

Council Member Cowles moved to approve Ordinance No. 2010-134. Council Member Vannoy seconded. The vote taken was recorded as follows:

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

Motion carried.

**DEPARTMENTAL REPORTS**

**PLANNING DEPARTMENT**

**ORDINANCE NO. 2010-167; VACATING A 5-FOOT UTILITY AND DRAINAGE EASEMENT ON LOT 69 IN WALDEN PRESERVE PHASE TWO AS REQUESTED BY DILTINA DEVELOPMENT CORPORATION (FIRST READING - REQUEST SUSPENSION OF THE RULES FOR IMMEDIATE CONSIDERATION)**

City Planner Amy Furfori informed Council that the reason for the request for suspension of the rules and vote this evening is due to a scheduled closing on a home on the 30<sup>th</sup> of this month. She added that none of the easements will be needed in the future.

Council Member Cowles moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2010-167. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

Upon suspension of the rules, Council Member Cowles moved to adopt Ordinance No. 2010-167. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RECREATION DEPARTMENT**

**RESOLUTION NO. 2010-153-R; REGARDING CITY OF MADISON JULY 4<sup>TH</sup> FIREWORKS WITH PREMIER PYROTECHNICS IN THE AMOUNT OF \$14,950 (TO BE PAID FROM DEPARTMENT BUDGET)**

Council Member Haraway moved to adopt Resolution No. 2010-153-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**POLICE DEPARTMENT**

**2010 KIDZ KAMP**

Police Chief Muncey informed Council and all those in attendance that this year's Kidz Kamp started today and will run for three weeks. Approximately 200 children will be attending.

**RESOLUTION NO. 2010-164-R; DECLARING CERTAIN POLICE DEPARTMENT EQUIPMENT AS SURPLUS AND AUTHORIZING ITS DONATION TO THE NEW HOPE POLICE DEPARTMENT**

Council Member Haraway moved to adopt Resolution No. 2010-164-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2010-170-R; AUTHORIZING THE SUBMISSION OF A COPS HIRING PROGRAM GRANT APPLICATION IN THE AMOUNT OF \$641,048 (NO MATCHING FUNDS REQUIRED)**

Council Member Haraway moved to adopt Resolution No. 2010-170-R. Council Member Overcash seconded. The vote taken was recorded as follows:

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

Motion carried.

**APPROVAL OF REQUEST TO PURCHASE TWELVE (12) LONG RIFLES TO OUTFIT PERSONNEL IN THE AMOUNT OF \$9,108 (TO BE PAID OUT OF DEPARTMENTAL BUDGET)**

Council Member Overcash move to approve the purchase of twelve long rifles in the amount of \$9,108. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**FINANCE DEPARTMENT**

**REQUEST TO REJECT ALL BIDS SUBMITTED FOR BID NO. MPWD-13-10 FOR THE PURCHASE OF ONE (1) BOOM FOR KNUCKLE LOADER AND RE-BID WITH NEW SPECIFICATION TO COMPLY WITH NEW EPA MANDATES**

Council Member Haraway moved to reject all bids submitted and authorize re-bid of this equipment. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2010-148-R; AWARDDING BID NO. MPWD-06-10 IN THE AMOUNT OF \$98,563 TO STAMM MANUFACTURING FOR THE PURCHASE OF ONE (1) SIGNAL TRUCK (TO BE PAID FROM PUBLIC WORKS DEPARTMENTAL BUDGET)**

Council Member Haraway moved to adopt Resolution No. 2010-148-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2010-169-R; AWARDDING RSQ NO. 01-10 TO URS CORPORATION TO PROVIDE ENVIRONMENTAL ASSESSMENT SERVICES ON THE CONSTRUCTION SITE FOR FIRE STATION NO. 2 FOR AN AMOUNT NOT TO EXCEED \$26,454 (TO BE PAID FROM GRANT FUNDS AND CAPITAL IMPROVEMENT BUDGET)**

Council Member Haraway moved to adopt Resolution No. 2010-169-R with an amount not to exceed \$26,454. Council Member Cowles seconded. The vote taken was recorded as follows:

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

Motion carried.

**FIRE DEPARTMENT**

**RESOLUTION NO. 2010-165-R; AUTHORIZING THE SUBMISSION OF ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$1,084,300 FOR THE PURCHASE OF MOBILE AND HANDHELD RADIOS (THE GRANT WILL BE IN PARTNERSHIP WITH HUNTSVILLE FIRE & RESCUE AND HEMSI - 20% MATCHING FUNDS REQUIRED BY PARTNER AGENCIES - FY 2011 BUDGET)**

Council Member Haraway moved to adopt Resolution No. 2010-165-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2010-166-R; AUTHORIZING THE SUBMISSION OF ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$12,200 FOR OFFICER DEVELOPMENT TRAINING (10% MATCHING FUNDS REQUIRED - FY 2011 BUDGET)**

Council Member Haraway moved to adopt Resolution No. 2010-166-R. Council Member Overcash seconded. The vote taken was recorded as follows:

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

Motion carried.

**LEGAL**

**FIRST READING**

**PROPOSED ORDINANCE NO. 2010-171; CREATING CHAPTER 17.5; TELECOMMUNICATIONS FACILITIES**

Mrs. Mignon Bowers, the City's contracted telecommunications consultant with The Center for Municipal Solutions, briefly updated Council on recent legislative changes regarding telecommunication towers. Proposed Ordinance No. 2010-171 would create a new Chapter in the City's Municipal Code of Ordinances setting forth an application and permitting process.

As this is a first reading of proposed Ordinance No. 2010-171, Council President Holtzclaw asked that Council email him any questions or comments they might have on this subject. He will compile and forward them to City Attorney Butler who will then forward them on to Mrs. Bowers.

**LEGAL ACTION ITEMS**

**RESOLUTION NO. 2010-154-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BROADCASTING MUSIC, INC. (BMI) FOR MUSIC LICENSING**

Council Member Haraway moved to adopt Resolution No. 2010-154-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**RESOLUTION NO. 2010-155-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SESAC, LLC FOR MUSIC LICENSING**

Council Member Haraway moved to adopt Resolution No. 2010-155-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**RESOLUTION NO. 2010-156-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BROADCASTING MUSIC, INC. (BMI) FOR MUSIC LICENSING FOR THE CITY OF MADISON'S WEBSITE**

Council Member Haraway moved to adopt Resolution No. 2010-156-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**RESOLUTION NO. 2010-158-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AMERICAN SOCIETY OF COMPOSERS, AUTHORS &**

**PUBLISHERS (ASCAP) FOR MUSIC LICENSING FOR THE CITY OF MADISON'S WEBSITE**

Council Member Haraway moved to adopt Resolution No. 2010-158-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**RESOLUTION NO. 2010-178-R; AUTHORIZING ENTRY INTO AND TERMS OF SETTLEMENT IN THE MATTER OF ABIDI V. CITY**

Council Member Overcash moved to adopt Resolution No. 2010-178-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2010-172-R; AUTHORIZING THE MAYOR TO EXECUTE FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY AND CROWN CASTLE GT COMPANY, LLC FOR MADISON QUARRY CELL TOWER SITE**

Ms. Suzanne Dorsett, the City's legal representative with the law firm of Wilmer & Lee, outlined for Council the purpose and intent of Resolution No. 2010-172-R through 2010-177-R.

Council Member Vannoy voiced his concerns with the term lengths of the proposed agreements before Council this evening. He wondered whether the City might be missing out on lost revenues by agreeing to extend the agreements for another twenty years when the current contracts aren't due to expire for twelve more years on one contract and sixteen more years on another. He asked Ms. Dorsett if she thought Crown Castle might be willing to limit the term to fifteen years. Ms. Dorsett stated that quite honestly she's not sure how they would respond as she's been working on this with them for a year and a half now and Crown Castle was hoping that Council would act on these Resolutions this evening. She added that the reason Crown Castle would like to extend the terms is for marketing purposes.

Council Member Vannoy moved to table Resolution No. 2010-172-R. The motion died for lack of a second.

Council Member Cowles moved to approve Resolution No. 2010-172-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	Absent

Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**RESOLUTION NO. 2010-173-R; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT AND MEMORANDUM OF FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY WITH CROWN CASTLE GT COMPANY, LLC FOR MADISON QUARRY CELL TOWER SITE**

Council Member Haraway moved to approve Resolution No. 2010-173-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**RESOLUTION NO. 2010-174-R; AUTHORIZING THE MAYOR TO EXECUTE FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY AND CROWN CASTLE PT, INC. FOR QUINN TANK CELL TOWER SITE**

Council Member Haraway moved to approve Resolution No. 2010-174-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	Absent
Council Member Tim Cowles	Nay
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion failed due to a tie vote.

**RESOLUTION NO. 2010-175-R; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT AND MEMORANDUM OF FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY WITH CROWN CASTLE PT, INC. FOR QUINN TANK CELL TOWER SITE**

and

**RESOLUTION NO. 2010-176-R; AUTHORIZING THE MAYOR TO EXECUTE FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY AND CROWN CASTLE PT, INC. FOR STONERIDGE FACILITY CELL TOWER SITE**

and

**RESOLUTION NO. 2010-177-R; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT AND MEMORANDUM OF FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY AND CROWN CASTLE PT, INC. FOR STONERIDGE FACILITY CELL TOWER SITE**

Council Member Haraway moved to table Resolution No. 2010-175-R through 2010-177-R. Council Member Overcash seconded. The vote taken was recorded as follows:

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

Motion carried.

**RECONSIDERATION OF RESOLUTION NO. 2010-174-R; AUTHORIZING THE MAYOR TO EXECUTE FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CITY AND CROWN CASTLE PT, INC. FOR QUINN TANK CELL TOWER SITE**

Council Member Cowles moved to reconsider the vote of Resolution No. 2010-174-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

Council Member Cowles moved to table Resolution No. 2010-174-R. Council Member Overcash seconded. The vote taken was recorded as follows:

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

Motion carried.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

None presented.

**ADJOURNMENT**

Having no further business to discuss, Council Member Holcombe 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye

Council Member Bill Holtzclaw

Aye

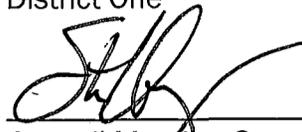
Motion carried.

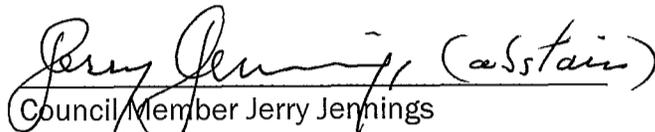
The meeting was adjourned at 9:13 p.m.

Signatures on following page.

Minutes No. 2010-11-RG, dated June 14th, 2010, read, approved and adopted this 28th day of June 2010.

  
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

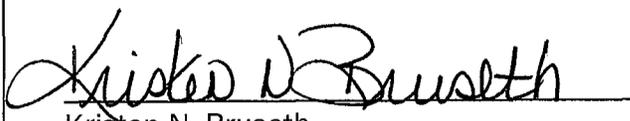
  
Council Member Bill Holtzclaw  
District Seven

Concur:

  
Paul Finley  
Mayor

Attest:

  
Melanie A. Williard  
City Clerk-Treasurer

  
Kristen N. Bruseth  
Recording Secretary