

**MINUTES NO. 2010-13-RG**

**OF A**

**REGULAR MEETING**

**OF THE CITY COUNCIL OF**

**THE CITY OF MADISON**

**JULY 12, 2010**

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The Madison City Council met in regular session on Monday July 12, 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 6:02 p.m. by Council President Holtzclaw.

Minister E.R. Brannan of Madison Church of Christ provided the invocation followed by the Pledge of Allegiance led by Council President Holtzclaw

**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 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	Absent
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 A. Williard, Assistant City Clerk-Treasurer Stacy Gilley, Police Chief Larry Muncey, Recreation Director Kory Alfred, Public Works Director Dana Stahl, Planning Director Amy Fufori, Director of Finance Lillie Causey, Systems Analyst Chris White, Building Director Cody Phillips, and City Attorney Kelly Butler.

Public attendance registered: Opie Balch, Ed Collins, Cory Brown, Cary Hilton, Austin Phillips, Alicia Liburdi, C.G. Summer, Thomas Scovill, George Nelson, Don Webster, Melanie Sturgis, Derek Fazah, Mike Fazah, Wanda Becatti, Gary Becatti, Mary Fletcher, Frank Riddick, Jason Canale, Joe Gehrdes, W.C. Fuller, Bobby DeNeefe, and one illegible signature.

**AMMENDMENTS TO AGENDA**

**DELETIONS**

**PUBLIC HEARING**

Proposed Ordinance No. 2010-132 rezoning certain property located west of Gillespie Road (5.49 acres) from R-3A to B-2 as requested by Wiz Kidz, LLC (first reading 05/10/2010 - tabled 06/14/2010)

**LEGAL ACTION ITEM**

Proposed Ordinance No. 2010-171 Creating Chapter 17.5, Telecommunications Facilities (first reading 06/14/2010)

**APPROVAL OF MINUTES**

**MINUTES NO. 2010-12-RG, JUNE 28, 2010**

Council Member Overcash moved to approve Minutes No. 2010-12-RG as amended. Council Member Jennings seconded. The vote taken was recorded as follows:

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

Motion carried

**PRESENTATIONS AND AWARDS**

**CORY BROWN, NORTH ALABAMA TRANSPORTATION FOUNDATION, 6-MONTH ACTIVITY UPDATE**

Cory Brown of the North Alabama Transportation Foundation came before Council and gave an update on the Foundation's activities for the last 6 months.

**PUBLIC COMMENTS**

**PETER ENGSTROM, ADDRESS COUNCIL REGARDING BICYCLE SIGNAGE IN THE CITY**

Peter Engstrom, a resident of Madison appeared before Council encouraging the City to make walking and biking an integral part of the future of Madison. He would like to see an infrastructure supporting the use of walking and biking such as signage warning motorists to beware of cyclists. He offered suggestions for short and long term planning for this endeavor.

Wanda Bacotti of 100 Barrister Place came before Council inquiring about Proposed Ordinance No. 2010-132 that was pulled from this evening's Agenda.

Cary Hilton of 112 Providence Place asked Council about the other portion of acreage approved relating to Proposed Ordinance No. 2010-132.

## CONSENT AGENDA AND FINANCE COMMITTEE REPORT

Council Member Jennings moved to approve the Consent Agenda as follows:

General Operating Account	\$511,559.44
Gasoline Tax and Petroleum Inspection Fees	\$14,619.02
Series 2006 Bond Checking	\$331,920.04
Subdivision Cash Bond Account	\$2,500.00
Library Building Fund	\$367.63

Resolution No. 2010-194-R approving a travel advance in the amount of \$120 each for Tim Portik and Lanny Perry to attend DUI/Traffic Safety Conference (to be paid from department budget)

Resolution No. 2010-195-R approving a travel advance in the amount of \$240 each for Efrem Adams and Eugene Scruggs to attend Basic SRO Course (to be paid from department budget)

Resolution No. 2010-196-R declaring certain city property as surplus and of negligible value and authorizing its disposal

Resolution No. 2010-197-R declaring certain city property as surplus and authorizing its sale through GovDeals

Resolution No. 2010-203-R authorizing the purchase of tractors from State Bid No. T-222 from September 1, 2009 to August 31, 2011

Resolution No. 2010-204-R authorizing the purchase of Incandescent and Fluorescent Lamps from State Bid No. T-102 from July 11, 2008 to July 10, 2011

Resolution No. 2010-205-R authorizing the purchase of Truck - 1900# & Above D/P GVWR from State Bid No. T-193 from May 1, 2010 to August 31, 2010

Resolution No. 2010-206-R authorizing the purchase of Metal File Cabinets from State Bid No. T-199 from August 1, 2008 to January 2, 2011

Resolution No. 2010-207-R authorizing the purchase of Projectors from State Bid No. T-216 from June 9, 2008 to June 8, 2011

Approval of payment to Reed Contracting Services for work completed On Eastview Extension plus advertising services (to be paid from Capital Improvement budget) \$130,501.81

Approval of payment to Robin Rents for rental of sod roll installer for Balch Road Extension project (to be paid from Capital Improvement Budget) \$350.00

Approval of payment to Eagle Wholesale for material supplied for Mill/Telluride/Whisperwood Drainage project (to be paid from Capital Improvement budget)	\$300.00
Approval of payment to Turfgrass America for sod supplied to Balch Road Extension project (to be paid from Capital Improvement Budget)	\$2,880.81
Approval for payment to Alabama Concrete for concrete supplied For Balch Road Extension project (to be paid from Capital Improvement budget)	\$639.00
Approval of payment to Land Design Solutions, Inc. for professional Services related to Bradford Creek Greenway Phase I (to be paid From Capital Improvement budget)	\$2,700.00
Approval of payment to Vulcan Materials for materials supplied to Balch Road Extension project (to be paid from Capital Improvement Budget)	\$330.24
Approval of payment to Bridge Inspection Services for snooper truck Rental (to be paid from Gas Tax funds)	\$1,500.00
Approval of payment to Industrial Contractor Supply, Inc. for 2 Handicap detectable warning mats for Emerson Road Extension Project (to be paid from Capital Improvement budget)	\$288.00
Approval of payment to Hicks Land Surveying Services, Inc. for Boundary line staking for Eastview Extension project (to be paid From Capital Improvement budget)	\$1,500.00
Approval of payment to Wilmer & Lee for legal services performed In connection with Gillespie Road Extension project (to be paid from Capital Improvement budget)	\$75.00
Approval of payment to Parallax Building Systems, Inc. for Construction completed for the additional recreational Activities parking lot project (to be paid from Capital Improvement budget)	\$53,817.71
Approval of payment to Osborn and Associates Architects for Architect fees for the recreational activities parking lot project (to be paid from Capital Improvement budget)	\$1,125.00

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

Motion carried

**PRESENTATION OF REPORTS**

**MAYOR PAUL FINLEY**

Mayor Finley announced that the ground breaking for the Mill Creek Dog Park will be held on Tuesday July 13, 2010 at 3:00 p.m..

Also, Tony and Cindy Sensenberger will be building a twenty thousand square foot facility as part of the Downtown Revitalization Project. This building will be for lease to business owners.

**ACCEPTANCE OF APPROPRIATION IN THE AMOUNT OF \$10,000 FROM SENATOR TOM BUTLER FOR DOWNTOWN REVITALIZATION PROJECT**

**ACCEPTANCE OF APPROPRIATION IN THE AMOUNT OF \$5,000 FROM SENATOR TOM BUTLER FOR DOG PARK PROJECT**

**ACCEPTANCE OF APPROPRIATION FROM REPRESENTATIVE MAC MCCUTCHEON IN THE AMOUNT OF \$2,500 FOR THE DOG PARK PROJECT**

**ACCEPTANCE OF APPROPRIATION FROM REPRESENTATIVE MAC MCCUTCHEON IN THE AMOUNT OF \$15,000 FOR THE DOWNTOWN REVITALIZATION PROJECT**

**ACCEPTANCE OF APPROPRIATION FROM MADISON COUNTY COMMISSIONER DALE STRONG IN THE AMOUNT OF \$5,000 FOR SOCCER FIELDS**

Council Member Haraway moved to approve accept the following appropriations: \$10,000 for the Downtown Revitalization Project and \$5,000 for the Dog Park Project from Senator Tom Butler; \$2,500 for the Dog Park Project and \$15,000 for the Downtown Revitalization Project from Representative Mac McCutcheon and \$5,000 for soccer fields from Madison County Commissioner Dale Strong. 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**RESOLUTION NO. 2010-198-R APPROVING AN AGREEMENT WITH URBAN COLLAGE, INC. FOR CONSULTING SERVICES FOR THE DEVELOPMENT OF A MADISON GROWTH PLAN**

Council Member Jennings moved to approve Resolution No. 2010-198-R. Council Member Holcombe 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**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**

**REQUEST FOR ENGINEERING & PUBLIC WORKS TO DEFINE AND IMPLEMENT PLAN FOR PAVED CROSSOVERS BETWEEN DIVIDED 4 LANE ROADWAYS**

This item was addressed at the June 28<sup>th</sup> City Council Meeting.

**COUNCIL DISTRICT NO. 4 TIM COWLES**

Absent

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

No business to report.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

**RESOLUTION NO. 2010-114-R APPROVING AN AGREEMENT WITH SLAUGHTER & ASSOCIATES FOR REDISTRICTING SERVICES**

Council Member Vannoy moved to approve Resolution No. 2010-114-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**RESOLUTION NO. 2010-208-R APPROVING AN AGREEMENT WITH ABBINGTON DOWNS HOMEOWNERS ASSOCIATION REGARDING NEIGHBORHOOD PARK MAINTENANCE**

Council Member Vannoy moved to approve Resolution No. 2010-208-R.  
Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Motion carried

**COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW**

**PROPOSED ORDINANCE NO. 2010-192 ESTABLISHING A TEMPORARY MORATORIUM ON THE COLLECTION OF INCREASE ANIMAL LICENSE FEES ENACTED WITH THE ADOPTION OF ORDINANCE NO. 2010-59; SAID MORATORIUM TO BE EFFECTIVE BEGINNING JULY 16, 2010 AND ENDING SEPTEMBER 1, 2010 (FIRST READING - RULES WILL NEED TO BE SUSPENDED)**

Council Member Overcash moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2010-192. 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

Council Member Haraway moved to adopt Ordinance No. 2010-192. 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**DRAFT RESOLUTION REGARDING HOME OWNER ASSOCIATION DISCLOSURE**

This item was pulled from the Agenda. It will be discussed at the next City Council meeting.

**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 05/10/2010 - TABLED 06/14/2010)**

This item was removed from the agenda at the request of the property owner.

**DEPARTMENT REPORTS**

**IT**

**RESOLUTION NO. 2010-199-R APPROVING AN AGREEMENT WITH CENTURY LINK FOR INTERNET CONNECTION SERVICES**

Council Member Jennings moved to approve Resolution No. 2010-199-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**CITY CLERK-TREASURER**

**RESOLUTION NO. 2010-193-R DESIGNATING FIRST COMMERCIAL BANK AS DEPOSITORY FOR THE ANIMAL LICENSE FEE ONLINE PAYMENT ACCOUNT AND FURTHER DESIGNATING SIGNATURES ON SAID ACCOUNT**

Council Member Jennings moved to approve Resolution No. 2010-193-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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**LEGAL**

**LEGAL ACTION ITEMS**

**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 Vannoy moved to approve 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**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**

Council Member Vannoy moved to approve Resolution No. 2010-175-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**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**

Council Member Vannoy moved to approve Resolution No. 2010-176-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**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 Vannoy moved to approve Resolution No. 2010-177-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**RESOLUTION NO. 2010-200-R ACCEPTING TEMPORARY CONSTRUCTION EASEMENT FROM JOHN A. JURENKO (LOT 2, LONG SUBDIVISION) FOR BRADFORD CREEK GREENWAY PROJECT**

Council Member Vannoy moved to approve Resolution No. 2010-200-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**RESOLUTION NO. 2010-201-R ACCEPTING A PERMANENT DRAINAGE EASEMENT FROM DAVID & JANET J. BROWN (LOT 1, BROWN ESTATES) FOR MILL-TELLURIDE-WHISPERWOOD DRAINAGE PROJECT AND AUTHORIZING MAYOR TO EXECUTE RELATED AGREEMENT**

This item was pulled from the agenda.

**RESOLUTION NO. 2010-202-R ACCEPTING A PERMANENT DRAINAGE EASEMENT FROM DAVID & JANET J. BROWN (LOT 2, BROWN ESTATES) FOR MILL-TELLURIDE-WHISPERWOOD DRAINAGE PROJECT AND AUTHORIZING MAYOR TO EXECUTE RELATED AGREEMENT**

This item was pulled from the agenda.

**PROPOSED ORDINANCE NO. 2010-171 CREATING CHAPTER 17.5, TELECOMMUNICATIONS FACILITIES (FIRST READING 06/14/2010)**

This item was pulled from the agenda.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

None

**ADJOURNMENT**

Having no further business Council Member Haraway moved to adjourn.  
The vote taken was recorded as follows:

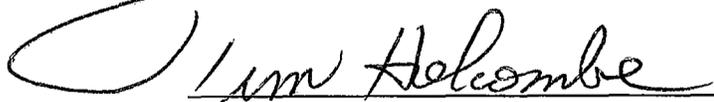
Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

The meeting was adjourned at 7:11 p.m.

Signature on the following page:

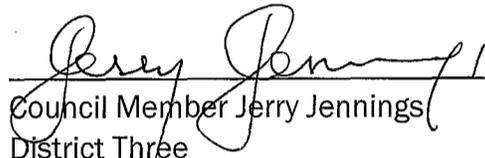
Minutes No. 2010-13-RG, dated July 12, 2010, read, approved and adopted this 26<sup>th</sup> day of July, 2010.



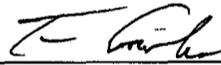
Council Member Tim Holcombe  
District One



Council Member Steve Haraway  
District Two



Council Member Jerry Jennings  
District Three



Council Member Tim Cowles  
District Four



Council Member Tommy Overcash  
District Five

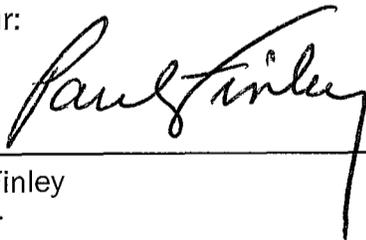


Council Member Larry Vannoy  
District Six



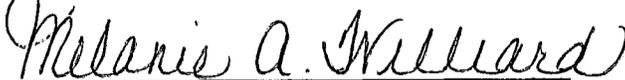
Council Member Bill Holtzclaw  
District Seven

Concur:

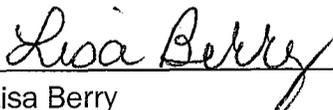


Paul Finley  
Mayor

Attest:



Melanie A. Williard  
City Clerk-Treasurer



Lisa Berry  
Recording Secretary