

MINUTES NO. 2010-22-RG

OF A

REGULAR MEETING

OF THE CITY COUNCIL OF

THE CITY OF MADISON, ALABAMA

NOVEMBER 8, 2010

The Madison City Council met in regular session on Monday, November 8, 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 the 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: Also in attendance were: City Clerk-Treasurer Melanie A. Williard, Police Chief Larry Muncey, Revenue Officer Cameron Grounds, Public Works Director Dana Stahl, Fire Chief Cobb, Recreation Director Kory Alfred, Court Clerk Rick Honea, Director of Finance Lillie Causey, Building Director Cody Phillips, Mayoral Aide Taylor Edge, City Engineer Gary Chynoweth, Planner Johnny Blizzard, Human Resources Director Terri Towry and City Attorney Kelly Butler.

Public Attendance registered: Syndey Holtzclaw, Abby Holtzclaw, Tim Knox, Brittany Jones, Vic Schiavone, Tina Schiavone, Freda Muncey, L.A. Frank, Harold Bentley, Derrick Rains, Carolyn Cowles, Marc Jacobson, Cary Hilton, Alie Turner, Leonard Girdley, Gail Girdley, Clovis Hale, Judy Hale, Rikki Klaus, Marcia St. Louis, James L. Turner, Danny Barksdale, Stanley Menefee, Jo Burden, Johnny Bell, Terri Johnson, Staci & Don Kupp, Kenny & Lou Watts, Cory Brown, Ken, Hilda & Amanda Geci, Jason, Adkison, Gordon Brown, Gene Williams, Chris Whalen, Faye Wishik, Bebe Oetjen, Molly, Alley, & Alex King, Andrew Finlayson, Charles Montgomery, Diane Weber, Ralph Weber, Connie Spears, Deborah Harksen, Steven Harksen, Joseph Coggin, Joe Gehrdes, Sharon Overhalser, Dennis Overhalser, Thomas Keene, Michael Keene,

Wendy Keene, Louise Olsewski, William, Olsewski, Katie Jones, Vann R. Jones, Maura Wroblewski, E.K. Brannen, Ted & Betty Whitney, Timothy Jackson, Jim & Jo Burden, Nellie Hall, Dan Brown, Charlie Brown, Debbie McCutcheon, Mac McCutcheon, Stephen Brooks, Tim Morris, Adele Hoffman, Steve Bolton, Lucinda Bolton, Karen W. Russo, Kathy Linden, Forrest Arvin, Anthony Russell, Don Spencer, Kate Gray, Dave Johnson, Pierre la Roux, Deanne Johnson, Madeline Johnson, Nathan Johnson, Josh Bradley, Chuck & Sharon Treece and several illegible signatures.

### REORGANIZATION OF COUNCIL

As a result of the election last Tuesday, November 2, 2010, Council President Holtzclaw won the race for Senate District 2 and must vacate his seat as Councilman for District 7. Council President Holtzclaw submitted his resignation to the Mayor and Council and expressed his thanks for the opportunity to serve the City of Madison.

As Council Present Pro Tempore, Jerry Jennings assumed control of the meeting.

The meeting then adjourned briefly for the swearing in ceremony of Bill Holtzclaw.

Council President Pro Tempe Jerry Jennings then opened the floor for nominations for Council President.

Council Member Holcombe nominated Council Member Overcash for the position of Council President.

Council Member Jennings asked if there were any other nominations, there being none the nominations were closed. 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 District No. 7        | Vacant |

Motion carried

Council President Overcash then assumed control of the meeting and opened the floor for nominations for President Pro Tempore. Council Member Vannoy nominated Council Member Jerry Jennings. Having no further nominations, Council President Overcash then closed the nominations. By acclamation Council Member Jerry Jennings was named President Pro Tempore.

Council President Overcash then opened the floor for nominations for Finance Committee. Council Member Jennings nominated Council Member Vannoy. Council Member Haraway nominated Council Member Jennings, and Council Member Vannoy nominated Council Member Cowles.

Council President Overcash then closed the nominations and made the recommendation that Council Member Jennings, Council Member Vannoy and Council Member Cowles be re-appointed to the Finance Committee. By acclamation, Council

Members Jennings, Vannoy and Cowles were re-appointed to the Finance Committee with Council Member Vannoy as Chairman of the committee.

Council President Overcash entertained a motion to declare District 7 vacant.

Council Member Holcombe made a motion to declare District 7 vacant. 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 District No. 7        | Vacant |

Motion carried

#### **AMMENDMENTS TO AGENDA**

##### **ADDITION:**

###### **Consent Agenda:**

Resolution No. 2010-326-R authorizing a travel advance in the amount of \$120.00 for Michael Enfinger to attend a Develop, Lift & Document Fingerprint Seminar (funding from department budget)

##### **DELETION:**

###### **Legal:**

Proposed Ordinance No. 2010-310 assenting to the annexation of property owned by Kyle & Barbara Holladay located in Limestone County (first reading 10/25/2010)

#### **APPROVAL OF MINUTES**

##### **MINUTES NO. 2010-21-RG OCTOBER 25, 2010**

Council Member Holcombe moved to approve Minutes No. 2010-21-RG. 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 District No. 7        | Vacant |

Motion carried

#### **PRESENTATION AND AWARDS**

Mayor Finley presented a ten year service award pin to Council Member Vannoy for ten years of service to the City of Madison.

**PROCLAMATION FOR FIREFIGHTER APPRECIATION MONTH**

Mayor Finley then read the proclamation designating the month of November, 2010 as Madison Firefighters Appreciation Month.

Representatives from the Muscular Dystrophy Association presented a plaque to the Madison Fire Department in recognition of their fund raising efforts. This year the Department raised \$25,000.

**PRESENTATION OF CERTIFICATE OF RECOGNITION TO RICHARD ALLEN KING II FOR EAGLE SCOUT**

A Certificate of Recognition was presented to Richard Allen King II of Boy Scout Troop 100 for obtaining the rank of Eagle Scout and in recognition of his Eagle Scout project. His Eagle Scout project was a book drive that collected over 5,400 books for Mill Creek Elementary School and raised over \$5,200.00 in funds to purchase books.

**PUBLIC COMMENTS**

None

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

Council Member Vannoy moved to approve the Consent Agenda as amended.

|   |              |
|---|--------------|
| General Operating   | \$672,489.17 |
| Gasoline Tax and Petroleum Inspection Fees  | \$44.29      |
| Senior Center Donations   | \$2,908.98   |
| Series 2006 Bond Checking   | \$58,977.25  |
| Library Building Fund   | \$391.60     |
| Approval of payment to Osborn & Associates for LEED Compliance Services for Fire Station # 2 (to be paid from Capital Improvement budget) | \$1,250.00   |
| Approval of payment to Moon Construction for the Police Department Addition (to be paid from Capital Improvement Budget)                  | \$252,105.02 |

Approval of payments to the following vendors in relation to Mill Creek Greenway Phase I: (to be paid from Capital Improvement budget)

|                    |             |
|--------------------|-------------|
| JW Kennedy         | \$420.00    |
| Reed Contracting   | \$19,219.53 |
| Vulcan Materials   | \$320.50    |
| Alabama Concrete   | \$757.50    |
| Sherman Industries | \$572.00    |

|                                    |            |
|------------------------------------|------------|
| LeHigh Hanson (Sherman Industries) | \$132.00   |
| United Rentals                     | \$2,663.96 |
| Wilson Lumber                      | \$85.78    |

Approval of payments to the following vendors in relation to Gillespie and Hughes Intersection improvements: (to be paid from Capital Improvement budget)

|                |            |
|----------------|------------|
| JW Kennedy     | \$420.00   |
| Wilson Lumber  | \$1,000.68 |
| United Rentals | \$71.76    |

Approval of payment to McElroy Land Surveying for legal description to traffic signal - Hughes and Plaza (to be paid from Capital Improvement budget) \$135.00

Approval of payment to Tecorp, Inc. for rewiring and reprogramming controller for full 8 phase operation at Wall Triana Highway and Madison Boulevard (to be paid from Capital Improvement budget) \$600.00

Approval of payment to APAC Midsouth, Inc. for soft ditch repair on Wall Triana and Highway 72 job site (to be paid from Capital Improvement budget) \$13,060.00

Approval of payment to Reed Contracting for work completed on Wall Triana improvements - Madison Boulevard to Cleghorn (to be paid from Capital Improvement budget) \$51,683.38

Approval of payment to Florence and Hutcheson for work completed in relation to U.S. Highway 72 Corridor Study (to be paid from Gas Tax funds) \$31,644.00

Approval of payment to Madison Utilities for water usage in relation to Mill Road improvements (to be paid from Capital Improvement budget) \$65.96

Resolution No. 2010-328-R authorizing the disposal or destruction of certain Police Department records

Resolution No. 2010- 326-R authorizing a travel advance to Michael Enfinger of the Police Department to attend a Develop, Lift & Document Fingerprint Seminar (funding from department budget) \$120.00

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 District No. 7        | Vacant |

Motion carried

## PRESENTATION OF REPORTS

**MAYOR PAUL FINLEY**

Mayor Finley reported on the Madison Growth Plan meeting that was held at the new YMCA on November 4<sup>th</sup>. Over three hundred residents participated in the meeting. There will be another public meeting in January of 2011.

The new YMCA opened officially opened today, November 8<sup>th</sup>. Also, the Madison Chamber of Commerce will be relocating their office to the YMCA on Friday, November 12<sup>th</sup>.

Lastly, Mayor Finley asked for individuals who are community minded to submit applications for consideration for appointment to miscellaneous city boards and committees that currently have vacancies.

**COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

**ANNOUNCEMENT OF UPCOMING COMMUNITY GATHERING MEETING CALLED "BUILDING IN MADISON"**

Council Member Holcombe announced an upcoming community gathering meeting called "Building in Madison" to be held on November 16<sup>th</sup> from 6:00 p.m. to 7:30 p.m. in City Hall downstairs conference room. Among the topics discussed at this meeting will be permits, the permitting process and what documents are needed, and contractors.

The Shops of Madison on Main Street will hold an open house Saturday, November 20<sup>th</sup> from 10:00 a.m. to 5:00 p.m. Refreshments will be served.

**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**

Absent

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

No business to report.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

No business to report.

**COUNCIL DISTRICT NO. 7 Vacant**

**PUBLIC HEARINGS**

**PROPOSED ORDINANCE NO. 2010-307 REZONING CERTAIN PROPERTY LOCATED AT 5220 AND 5206 WALL TRIANA HIGHWAY FROM R-1A, LOW DENSITY RESIDENTIAL DISTRICT TO B-2, COMMUNITY COMMERCIAL DISTRICT (FIRST READING 10/11/2010)**

Council President Overcash opened the public hearing for comments regarding Proposed Ordinance No. 2010-307. There being none, he then closed the public hearing.

Council Member Haraway moved to approve Ordinance No. 2010-307. 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 District No. 7        | Vacant |

Motion carried

**DEPARTMENT REPORTS**

**COURT**

**PROPOSED ORDINANCE NO. 2010-312 TO REPEAL & REPLACE ORDINANCE NO. 2008-300 REGARDING SCHEDULE OF FINES FOR MUNICIPAL COURT (FIRST READING 10/25/2010)**

Council Member Haraway moved to approve Ordinance No. 2010-312. 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 District No. 7        | Vacant |

Motion carried.

**RECREATION**

**ACCEPTANCE OF APPROPRIATION IN THE AMOUNT OF \$5,000.00 TO THE MADISON SENIOR CENTER FROM SENATOR TOM BUTLER**

Council Member Jennings moved to approve acceptance of \$5,000.00 from Senator Tom Butler to the Madison Senior Center. 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 District No. 7        | Vacant |

Motion carried

**PUBLIC WORKS**

**RESOLUTION NO. 2010-325-R AWARDING BID NO. MPWD-30-10 TO WORK TRUX IN THE AMOUNT OF \$141,927.00 FOR THE PURCHASE OF TWO KNUCKLEBOOM LOADERS (TO BE PAID FROM DEPARTMENTAL BUDGET)**

Johnny Bell, a representative of Brush Hawg approached Council with concerns that the purchase of knuckleboom loaders was a mistake as his company, Southeastern Truck offered a better product for less money. He suggested that Council revisit this issue at the next Council meeting.

Following much discussion, this item was tabled for 30 days so that demonstrations of equipment can be scheduled.

**ENGINEERING**

**PROPOSED ORDINANCE NO. 2010-324 RELATING TO FLOOD DAMAGE PREVENTION (FIRST READING)**

First reading: no action taken

**REVENUE**

**PROPOSED ORDINANCE NO. 2010-329 AMENDING CERTAIN SECTIONS OF CHAPTER 7 OF THE MADISON CITY CODE (FIRST READING)**

First reading: no action taken

**LEGAL**

**LEGAL ACTION ITEMS**

**PROPOSED ORDINANCE NO. 2010-310 ASSENTING TO THE ANNEXATION OF PROPERTY OWNED BY KYLE & BARBARA HOLLADAY LOCATED IN LIMESTONE COUNTY (FIRST READING 10/25/2010)**

This item was removed from the agenda.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

None

**ADJOURNMENT**

Council Member Jennings moved to adjourn the meeting. The vote taken was recorded as follows:

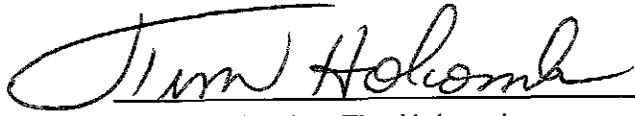
|                               |        |
|-------------------------------|--------|
| Council Member Tim Holcombe   | Aye    |
| Council Member Steve Haraway  | Aye    |
| Council Member Jerry Jennings | Aye    |
| Council Member Tim Cowles     | Absent |
| Council Member Tommy Overcash | Aye    |
| Council Member Larry Vannoy   | Aye    |
| Council District No. 7        | Vacant |

Motion carried

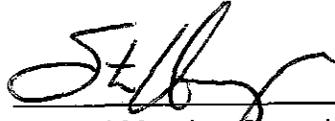
The meeting was adjourned at 7:20 p.m.

Signatures on following page:

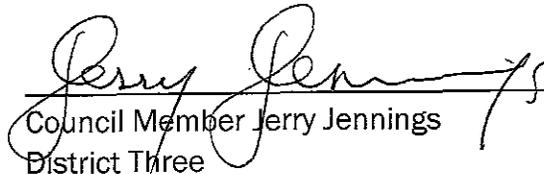
Minutes No. 2010-22-RG, dated November 8, 2010, read, approved and adopted this 22<sup>nd</sup> day of November, 2010.



Council Member Tim Holcombe  
District One



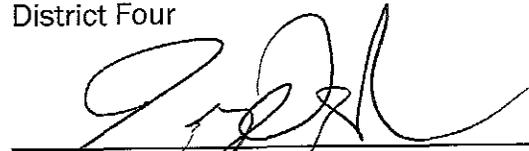
Council Member Steve Haraway  
District Two



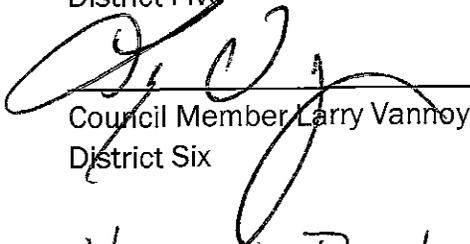
Council Member Jerry Jennings  
District Three

Abstain

Council Member Tim Cowles  
District Four



Council Member Tommy Overcash  
District Five



Council Member Larry Vanroy  
District Six

Vacant Position

District Seven

Concur:

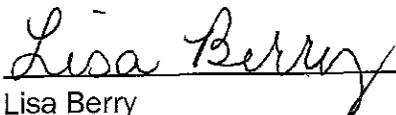


Paul Finley  
Mayor

Attest:



Melanie A. Williard  
City Clerk-Treasurer



Lisa Berry  
Recording Secretary