

MINUTES NO. 2012-13-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
JUNE 25, 2012

The Madison City Council met in regular session on Monday, June 25, 2012, 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 6:03 p.m. by Council President Ronica Ondocsin.

Pastor Doug Wooten with Asbury Methodist Church provided the invocation followed by the Pledge of Allegiance led by Council President Ondocsin.

ELECTED GOVERNING OFFICIALS IN ATTENDANCE

Roll Call of Elected Governing Officials was conducted by City Clerk-Treasurer Melanie A. Williard and recorded as follows:

Mayor Paul Finley	Present
Council District No. 1 Tim Holcombe	Present
Council District No. 2 Steve Haraway	Present
Council District No. 3 Jerry Jennings	Present
Council District No. 4 Tim Cowles	Present
Council District No. 5 Tommy Overcash	Present
Council District No. 6 Larry Vannoy	Present
Council District No. 7 Ronica Ondocsin	Present

Also in attendance were: Finance Director Lillie Causey, Human Resources Director Terri Towry, Police Chief Larry Muncey, Revenue Officer Cameron Grounds, Nansi Clark Executive Assistant to the Mayor, Zoning Administrator Sherri Blair, City Attorney Kelly Butler, Fire Chief Ralph Cobb, Parks & Recreation Director Kory Alfred, Building Director Cody Phillips, City Engineer Gary Chynoweth, Public Works Director Steve Abbott and City Clerk-Treasurer Melanie A. Williard

Public Attendance registered: Ed Collins, Jon Howell, Betty D. Fletcher, John Horch, Mary Fletcher, Troy Wesson, Mike Potter, DJ Klein, Gerald Clark, Steve Smith, Malcolm Johnson, John Campbell, Curtis Potts, Vickie Parker, Don Palmer, Susie Masotti and Leena Jacobs

AMENDMENTS TO AGENDA

Council President Ondocsin stated that the following additions have been requested to this evening's agenda:

Legal Department:

- Resolution No. 2012-247-R: authorizing the Mayor to enter into non-binding negotiations with Water & Wastewater Board for conveyance of property
- Resolution No. 2012-248-R: authorizing entry into and terms of settlement in the matter of Hall v. Galimore & City

Council voiced no objections to the additions.

APPROVAL OF MINUTES

MINUTES NO. 2012-12-RG; JUNE 11, 2012

Council Member Overcash moved to approve Minutes No. 2012-12-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	Abstain
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

PRESENTATIONS AND AWARDS

PRESENTATION OF CERTIFICATES OF APPRECIATION TO FORMER MEMBERS OF THE ZONING BOARD OF ADJUSTMENTS

Mrs. Betty Fletcher, Chairperson of the Zoning Board of Adjustments and Appeals along with Mayor Finley and Board Secretary Sherri Blair presented Certificates of Appreciation to the former board members David Aichele, Patrick Nelson and Troy Wesson for their hard work, dedication and outstanding service.

A round of applause was given.

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.

Madison resident Ed Collins, representing Heritage Plantation Subdivision, requested an update on the sidewalk issue he inquired about at the last regular Council Meeting. City Attorney Butler informed Mr. Collins that this item will be addressed later on in the meeting.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$565,184.00
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- o Special Operating Account \$201.76
- Gasoline Tax & Petroleum Inspection Fees \$42,513.01
- Series 2006 Bond Checking \$169,459.95
- Library Building Fund \$1,678.32
- Water Distribution & Storage Projects \$68.88
- Resolution No. 2012-177-R; declaring certain city property formerly used by the Public Works Department as surplus and authorizing that it be sold through online auction or sealed bid
- Resolution No. 2012-181-R; authorizing the disposal or destruction of certain Finance Department records as approved by the State Department of Archives
- Approval of payment to Bobcat for equipment for the Main Street Improvement project (to be paid from Capital Improvement Project (CIP) budget) \$1,860.00

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
Council Member Ronica Ondocsin	Aye

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

RESOLUTION NO. 2012-244-R; AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF HUNTSVILLE AND MADISON COUNTY

Council Member Jennings moved to approve Resolution No. 2012-244-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 Ronica Ondocsin	Aye

Motion passed.

ANNUAL CITY OF MADISON JULY 4TH CELEBRATION

The City will hold its annual July 4th celebration at Dublin Park beginning at 2:00 PM. There will be inflatables, food vendors and live bands leading up to the fireworks show beginning at dusk.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

SPACES ART TRAIL UPDATE

Council Member Holcombe introduced Ms. Allison Dillon-Jauken, Executive Director of Huntsville Arts Council. SPACES was developed as a partnership of the Arts Council, Inc., Alabama A & M University, Huntsville Museum of Art, Lowe Mill Arts and Entertainment Center and UAHuntsville. Leaders from these institutions came together in fall 2009 to form the SPACES Organizing Committee and for sixteen months they collaborated to create Huntsville's first-ever sculpture trail. The approximate cost of one sculpture is \$1,800.

Council Member Holcombe moved to authorize the expenditure of \$1,800 from the Special Projects budget for one sculpture contingent upon insurance and other sculptures being funded. 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	Nay
Council Member Tommy Overcash	Nay
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

BOB JONES HIGH SCHOOL 7-ON-7 FOOTBALL CAMP

Council Member Haraway reported on the annual 7-on-7 football camp held at Bob Jones High School. Teams from through northeast Alabama attended the camp.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

TARCOG UPDATE

Council Member Jennings informed Council that Morgan County and all cities in Morgan County elected to exit from the North Central Alabama regional government agency recently. Morgan County then requested to join TARCOG and was successfully accepted. TARCOG will now increase from five to six counties. TARCOG also voted to expand its facility with a \$950,000 expansion.

COUNCIL DISTRICT NO. 4 TIM COWLES

MPO ROAD PROJECTS STATUS

Council Member Cowles requested an update on the status of road projects from MPO at a future meeting.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

No business to report

COUNCIL DISTRICT NO. 6 LARRY VANNOY

PROPOSED ORDINANCE NO. 2012-187; APPROVING AN AMENDED BUDGET FOR FISCAL YEAR 2012

Finance Director Lillie Causey presented Council with an overview of the proposed revised annual operating budget for fiscal year 2012.

Council Member Vannoy moved to adopt Ordinance No. 2012-187. Council Member Cowles seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

COUNCIL DISTRICT NO. 7 RONICA ONDOCSIN

VOTER CARD UPDATE

City Clerk-Treasurer Melanie Williard informed Council that due to Madison County making changes to the voting districts county-wide, nearly 7,000 Madison City residents will receive new voter cards in the mail soon advising them of new polling locations for federal/state/county elections and a separate location for municipal elections.

BOARD/COMMITTEE APPOINTMENTS

None

PUBLIC HEARINGS

REQUEST FOR ON-PREMISE BEER/WINE/LIQUOR LICENSE FROM FULIN'S ASIAN CUISINE AT MADISON, LLC (DBA: FULIN'S ASIAN CUISINE) FOR THEIR LOCATION AT 8141 HIGHWAY 72 WEST, SUITE C

Revenue Officer Cameron Grounds advised Council that all paperwork is in order for consideration of this request.

Council President Ondocsin opened the public hearing for any comments from the public. There being none, she then closed the closed the public hearing.

Council Member Cowles moved to consent to the issuance of an on-premise beer/wine/liquor license to Fulin's Asian Cuisine at Madison, LLC (DBA: Fulin's Asian Cuisine) for their location at 8141 Highway 72 West, Suite C. 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 Ronica Ondocsin	Aye

Motion passed.

DEPARTMENTAL REPORTS

BUILDING DEPARTMENT

RESOLUTION NO. 2012-182-R; APPROVING AN AMENDED AGREEMENT WITH COOK'S PEST CONTROL TO EXPAND SERVICES TO INCLUDE THE CHILDREN'S GARDEN AREA AT THE MADISON LIBRARY (FUNDING FROM DEPARTMENT BUDGET)

Council Member Haraway moved to approve Resolution No. 2012-182-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 Ronica Ondocsin	Aye

Motion passed.

FIRE DEPARTMENT

RESOLUTION NO. 2012-183-R; REJECTING ALL BIDS SUBMITTED FOR BID NO. MFD-12-12 AND AUTHORIZING TO REBID THE PURCHASE OF UNIFORMS FOR MADISON FIRE & RESCUE

City Attorney Kelly Butler informed Council that a Resolution is not necessary for this item. Council Member Haraway moved to reject all bids and authorize the rebid process for the purchase of uniforms for Madison Fire & Rescue. Council Member Holcombe seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

PUBLIC WORKS DEPARTMENT

PRESENTATION REGARDING BUNDLING OF WASTE REMOVAL SERVICES

Public Works Director Steve Abbott presented a proposed bundling of the three waste services currently utilized in the City of Madison; garbage, trash and recycling. The benefits of bundling these three services are:

- All three services under one contractor with a three-year contract
- All three services to be collected on the same day
- Services will be standardized city-wide
- Allows for more clearly defined ordinances
- Cleaner streets

Mr. Abbott added that any surplus fees will be utilized in paying the monthly utility maintenance charges and thus free up the gas tax funds to be utilized for the street resurfacing program.

PLANNING DEPARTMENT

RESOLUTION NO. 2012-238-R; REGARDING CONSTRUCTION OF SIDEWALK BETWEEN LOTS 25 & 26 IN WATERFORD, PHASE 6

City Attorney Butler informed Council that a Resolution for this item is not necessary. This involves a 225 ft. long, 4-ft wide sidewalk estimated to cost approximately \$1,158.

Council Member Vannoy moved to authorizing an expenditure of funds from the Council Special Projects budget not to exceed \$1,500 for the construction of 225 ft. long, 4-ft. wide sidewalk in Waterford Subdivision, Phase 6 between lots 25 and 26. Council Member Holcombe seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Nay
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Nay

Motion passed.

PROPOSED ORDINANCE NO. 2012-70; REQUEST FROM PROPERTY OWNER JOHN & ALICE WESSLY TO DELAY ACTION ON THEIR REZONING REQUEST UNTIL 07/23 COUNCIL MEETING

Council Member Haraway moved to delay action until July 23 on this item per the property owner's request. Council Member Cowles seconded. The vote taken was recorded as follows:

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

Council Member Ronica Ondocsin

Aye

Motion passed.

PROPOSED ORDINANCE NO. 2012-180; VACATING A UTILITY & DRAINAGE EASEMENT AT 551 HIGHLAND DRIVE (FIRST READING) (REQUEST TO SUSPEND RULES FOR IMMEDIATE CONSIDERATION)

Council Member Overcash moved to suspend the rules for immediate consideration of proposed Ordinance No. 2012-180. Council Member Cowles seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

Upon suspension of the rules, Council Member Overcash moved to adopt Ordinance No. 2012-180 contingent upon Water Board approval. Council Member Cowles seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

LEGAL DEPARTMENT

RESOLUTION NO. 2012-184-R; APPROVING AN AGREEMENT WITH MICHELLE DURIG FOR ZUMBA GOLD CLASSES AT MADISON SENIOR CENTER

Council Member Jennings moved to approve Resolution No. 2012-184-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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

UPDATE ON STREET-CUT POLICY AND NUISANCE ORDINANCE CHANGES

City Attorney Butler requested additional input on any changes to the nuisance Ordinance. She will bring both issues before Council at their next regular meeting scheduled for July 9th for first readings.

RESOLUTION NO. 2012-247-R; AUTHORIZING THE MAYOR TO ENTER INTO NON-BINDING NEGOTIATIONS WITH WATER & WASTEWATER BOARD FOR CONVEYANCE OF PROPERTY

Council Member Overcash approved Resolution No. 2012-247-R. Council Member Cowles seconded the motion. 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 Ronica Ondocsin	Aye

Motion passed.

ENGINEERING DEPARTMENT

RESOLUTION NO. 2012-101-R; APPROVING AN AGREEMENT WITH ALDOT FOR I-565/COUNTY LINE ROAD INTERCHANGE PROJECT

Council Member Jennings moved to defer action on Resolution No. 2012-101-R until the August 13th regular council meeting. Council Member Cowles seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

CITY CLERK-TREASURER DEPARTMENT

RESOLUTION NO. 2012-186-R; DESIGNATING FIRST COMMERCIAL BANK AS DEPOSITORY FOR A NEW ACCOUNT (MUNICIPAL COURT JUDICIAL ADMINISTRATION FUND) AND FURTHER AUTHORIZING SIGNATURES ON SAID ACCOUNT

Council Member Jennings moved to approve Resolution No. 2012-186-R. Council Member Cowles seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye

Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

AD VALOREM TAX REFERENDUM

City Attorney Butler informed Council that there was a problem in Montgomery with the advertising of the proposed ad valorem tax referendum proposed for the ballot on the upcoming municipal election in August. As such, the August 28th municipal election ballot will not include the proposed referendum.

EXECUTIVE SESSION

Council President Ondocsin stated that there are two items before Council this evening, each of which is subject to being discussed in executive session. One involves the good name and character of an individual and the other involves pending litigation. A quorum of the City Council having convened, she entertained a motion calling for executive session.

Council Member Overcash moved that the Madison City Council enter into executive session for the following purposes: 1) to discuss an individual's good name and character and 2) to discuss with the City Attorney the legal ramifications of and legal options for pending litigation in which the City is a party. Council Member Cowles seconded.

Council President Ondocsin asked if there was any declaration from counsel necessary on either item. City Attorney Butler stated that as an attorney licensed to practice law in Alabama and as the City Attorney for the City of Madison, Alabama it is her oral declaration that the exception to the Open Meetings Act found in § 36-25A-7(a)(3) of the Alabama Code applies to the discussion to be held between the Council and herself regarding Item 12E(4) on the June 25, 2012 agenda. This declaration does not otherwise constitute a waiver of the attorney-client privilege. Council President Ondocsin then asked for a Roll Call. 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 Ronica Ondocsin	Aye

Council President Ondocsin stated that with majority consent, the Council will now enter into executive session and will reconvene at approximately 9:30 pm.

Council went into executive session at 8:35 pm and returned at 9:30 pm.

Council Member Cowles moved to reconvene the meeting. 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 Ronica Ondocsin	Aye

Motion passed.

Council Member Haraway moved to uphold or affirm the department head and Personnel Hearing Officer's findings and disciplinary actions in the Police Officer Adams case. 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 Ronica Ondocsin	Aye

Motion passed.

RESOLUTION NO. 2012-248-R; AUTHORIZING ENTRY INTO AND TERMS OF SETTLEMENT IN THE MATTER OF HALL v. GALLIMORE & CITY

Council Member Jennings moved to approve Resolution No. 2012-248-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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

ADJOURNMENT

Having no further business to discuss, Council Member Overcash moved to adjourn the meeting. The vote taken was recorded as follows:

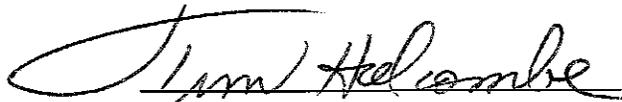
Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

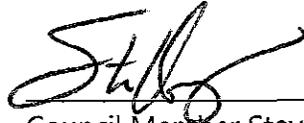
The meeting was adjourned at 9:34 p.m.

Signatures on following page.

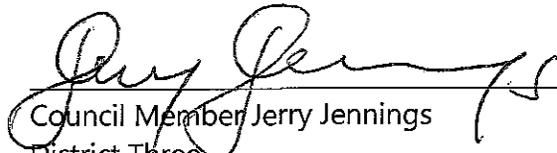
Minutes No. 2012-12-RG, dated June 11, 2012, read, approved and adopted this 25th day of June 2012.



Council Member Tim Holcombe
District One



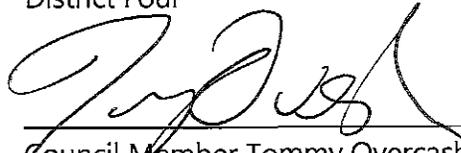
Council Member Steve Haraway
District Two



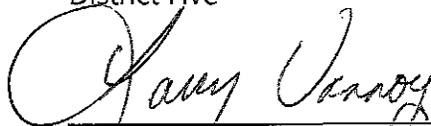
Council Member Jerry Jennings
District Three

Absent

Council Member Tim Cowles
District Four



Council Member Tommy Overcash
District Five

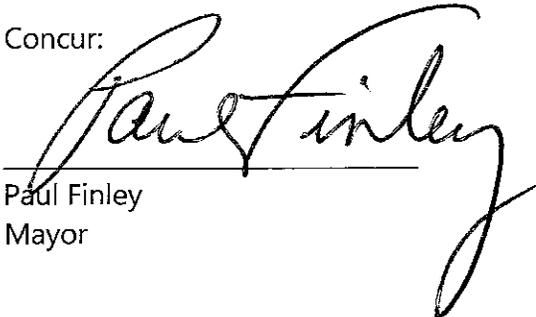


Council Member Larry Vannoy
District Six



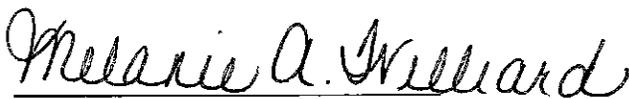
Council Member Ronica Ondocsin
District Seven

Concur:

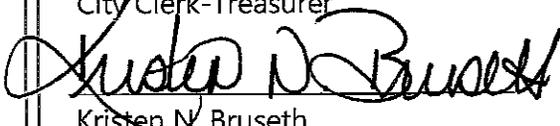


Paul Finley
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer



Kristen N. Bruseth
Recording Secretary