

MINUTES NO. 2012-16-RG

OF A

REGULAR MEETING

OF THE CITY COUNCIL OF

THE CITY OF MADISON, ALABAMA

AUGUST 13, 2012

The Madison City Council met in regular session on Monday, August 13, 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 6:01 p.m. by Council President Ronica Ondocsin.

Rabbi Beth Bahar from Temple B'nai Shalom 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: City Attorney Kelly Butler, Nansi Clark Executive Assistant to Mayor Finley, Revenue Director Cameron Grounds, Police Major Jim Cooke, Planning Director Amy Bell, Public Works Director Steve Abbott, Building Director Cody Phillips, Finance Director Lillie Causey, Human Resources Director Terri Towry, Engineering Director Gary Chynoweth, Madison City Schools Superintendent Dr. Dee Fowler, Deputy Fire Chief Jeff Birdwell, Parks & Recreation Director Kory Alfred, IT Director Jason Colee, Assistant City Clerk-Treasurer Lisa Bullock and City Clerk-Treasurer Melanie A. Williard

Public Attendance registered: Whitney Sutherland, Bonnie Smith, James Bennett, Chris Lindberg, Sheila McFerran, Don Palmer, Desiree Palmer, Jerry Robinson, Susie Masotti (MCC), Tyson Horrucks, Chad Horrocks, John Larsen, Lisa & Raymond Pietz, Roger von Jouanne, Yolanda Lewis, Kate Wade, Michael Gunner, Brian Choate, Connor Choate, Quinn Wensyel, Greg Williams, Michael Potter, Terri Johnson, Kelly Williams, Dr. David L. Williams II, William Kahle, Tina Tarsitano, Chris Tarsitano, Laurie Messer, Elbert Balch, Cornelia Teglmeier, Kimberly Byron, Howell Lee (HMCBA), Stephen Newton, Thomas Scovill, Todd Vargo, Jon Howell, John Burgreen, Michele Cheatham, Devinti M. Williams, Mark Harvis, Lindsey Napier, Cary Hilton, Larry M. Stickles, Cate Summer, Anna Dullett, Malcolm Johnson, Tim Hotcamp, Cameron Sheeler, Andrew Freeman, Scott Mounts, Steve Burcham, David Bastten, Steve Smith, Rabbi Elizabeth Bahir, Ira Leither, Dee Voelkel, Alison

Callahan, Deborah O'Malley, Glenn Earhart, Harold Dowling, Gerald Clark, Hampton Armstrong, Michelle Armstrong, Michael Tyler, Dave Evans, Michael Evans and Joe Murphy

AMENDMENTS TO AGENDA

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

- Deletion: Fire Department line of business; Resolution No. 2012-267-R authorizing the Mayor to execute an agreement with ACS Government Systems, Inc. for Firehouse Software Hosting and support services

Council voiced no objections.

APPROVAL OF MINUTES

MINUTES NO. 2012-15-RG, JULY 23, 2012

Council Member Cowles moved to approve Minutes No. 2012-15-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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

PRESENTATIONS AND AWARDS

MR. SCOTT MOUNTS, PRESIDENT/CEO OF YMCA; PRESENTATION IN CONNECTION WITH ANNUAL NON-DEPARTMENTAL APPROPRIATION

In connection with the YMCA's annual appropriation Mr. Andrew Freeman, Executive Director of the Hogan YMCA, reported on their programs, events held, charitable impact and membership drive over the past year.

Mr. Steve Burcham, Chairman of the Hogan YMCA Board of Management, answered questions the Council had in regards to Phase 2 projects such as the proposed 50-meter pool, expansions of the business center, multi-use space and parking areas.

DR. DEE FOWLER, SUPERINTENDANT OF MADISON CITY SCHOOLS; PRESENTATION IN CONNECTION WITH ANNUAL NON-DEPARTMENTAL APPROPRIATION

and

DISCUSSION OF ½ CENT SALES TAX (MAYOR FINLEY)

Madison City Schools Superintendent Dr. Dee Fowler stated that this year's annual appropriation will once again be used to pay the school crossing guards salaries.

Mayor Finley stated that the School Board plans on presenting to Council at a future Council Meeting a report on how much revenues the ½ Cent Sales Tax has generated thus far and how much the sales tax will bring in over the seventeen year period. Mayor Finley also hopes to report on whether or not the City would have any flexibility in using the ½ Cent Sales Tax revenues strictly for school purposes through the qualified school construction bonds.

Dr. Fowler also spoke on the availability of BRAC money that the local school district should receive in the very near future.

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.

CARY HILTON; NOISE ORDINANCE

Mr. Hilton appeared before Council with a PowerPoint presentation to address concerns he has with the revisions to the proposed noise ordinance on this evening's agenda.

TOM SCOVILL; RULES AND MADISON STREET FESTIVAL

Mr. Scovill appeared before Council to address his concerns regarding the rules of this year's Madison Street Festival regarding political campaigning. He does not understand how it is possible to hold a political event at a public school yet candidates are banned from campaigning at the Madison Street Festival.

Mr. Scovill also voiced his displeasure with the City giving annual appropriations to businesses such as the YMCA and the Madison Chamber of Commerce. He believes that a better way to help businesses is to reduce their taxes and fees.

Lastly, Mr. Scovill discussed the ½ Cent Sales Tax issue mentioned by Mayor Finley just a few minutes ago in conjunction with the School Board's annual appropriation presentation. He requested that Council reaffirm the purpose of the tax increase. Mayor Finley stated that in the ordinance enacted back in 2010, it stated that the sales tax increase was only to be used for bricks and mortar and not operational expenses. He hopes to soon discover whether or not it would be allowable, under the qualified school construction bond, to use the revenues for operational expenses.

IRA LEITHER, HUNTSVILLE RESIDENT; REMOVAL OF SIGNS FOR MAYORAL CANDIDATE DON PALMER

Mr. Leither stated that he has seen and heard that Mayoral Candidate Don Palmer's signs for office have been removed and/or damaged.

Mr. Palmer requested that prior to the City just removing political signs they contact the candidates and give them the opportunity to correct the misplacement of the signs and return the signs to the candidate rather than just collecting them and not returning them.

Council Member Overcash stated that Planning Director Amy Bell placed information on the signs with a simple set of rules to follow and in many cases the campaigners and their volunteers are not following these rules. Also, there is a

requirement that property owner's authorization must be obtained prior to the placement of signs.

LAURIE MESSER; YMCA 50-METER POOL

Ms. Messer stated that there is still a need for a 50-meter pool in the City of Madison. She asked the City, the YMCA and the community to help with this need.

BILL KAHLE; PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS

Mr. Kahle stated that he doesn't believe, even with the revisions before Council this evening, that the proposed noise ordinance is ready for action this evening and asked them to continue to make improvements to the ordinance prior to voting on it.

Council Member Haraway informed Mr. Kahle that he has spoken to Mr. Blane Warren with Progress Bank regarding the dumpster noise. He assured Council Member Haraway that they will work on the issue and try to find a more amenable time for it to be emptied. Mr. Kahle stated that the lights are also a problem. Building Director Cody Phillips recently sent a team out to look at this issue as well.

JERRY ROBINSON; YMCA 50-METER POOL

Mr. Robinson requested that Council hold off on approving the annual appropriation until such time as the YMCA presents their Phase 2 plan to the City.

GLEN EARHART; PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS

Mr. Earhart stated that his property is on the southeast corner of the Progress Bank development off of Highway 72. He and his fellow neighbors are concerned with the required tree buffer which acts as a noise and light buffer. He also commented on the fact that 25-30 ft. of tree line was decreased for the addition of more parking spaces.

WHITNEY SUTHERLAND; PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS

Ms. Sutherland informed Council that she has researched several cities noise ordinances, including that of Vienna Virginia, for examples of their noise ordinances. She cited several health consequences as a result of the Target shopping center's noise pollution.

CHRIS LINDBERG; MADISON CITY SCHOOL SYSTEM FACILITY USAGE FEES

Mr. Lindberg, President of the Madison Comets Youth Football Association, stated that the association recently requested use of a school facility and was told they could use it if they paid a facility usage fee. He does not feel that as a taxpayer of the City of Madison his non-profit organization should be charged to use the facility. He requested that before Council approves the annual appropriation to the Board of Education the Board addresses this fact.

ROGER VON JOUANNE; YMCA 50-METER POOL

Mr. Von Jouanne stated that the Madison Swim Association donated \$200,000 several years ago for a 50-meter pool and they've yet to see the pool come to fruition. He hopes a solution to the lack of a 50-meter pool can be found soon.

BONNIE SMITH; PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS

Ms. Smith informed Council that as a result of the Target shopping center she has had to plant numerous trees and pressure-wash her home several times due to the construction noise and dirt. She also mentioned the light pollution she is experiencing now that the site is complete.

LISA PIETZ; PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS

Ms. Pietz stated that her property value has decreased by \$23,000 due to the new Target Center. She also added that delivery vehicles are arriving after 10:00 pm. She hopes that the Police Department clearly understands what is enforceable and what they can enforce as she was told by an officer who responded to a complaint she made recently that the current noise ordinance only applies to the Publix Shopping Center.

LARRY STICKLES;

- **PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS**

Mr. Stickles stated that he supports the concerns of the residents regarding proposed Ordinance No. 2012-256. He suggested that Council consider changing the allowable hours to 8:00 am – 8:00 pm.

- **UNELECTED BOARD OF EDUCATION / RELIGIOUS SERVICES HELD AT PUBLIC SCHOOL / POLITICAL ACTIVITIES AT PUBLIC SCHOOLS**

Mr. Stickles expressed his concern regarding the Board of Education allowing religious services to be held at Mill Creek Elementary School adding that it is a violation of federal law. He also stated that political activities should also be discouraged and mentioned the school superintendent using the electronic signage in front of schools when he actively encouraged Madison residents to vote in favor of the proposed property tax increase several years ago. He stated that he believes the school board should be an elected body rather than a council appointed board.

CATE SUMMER; YMCA 50-METER POOL

Ms. Summer questioned the YMCA funding. She would like for all 3rd grade students in the City to be allowed to participate in the SPLASH program rather than only those enrolled in Madison Public Schools. She also suggested that the YMCA use the annual appropriation from the City to fund the construction of the 50-meter pool and further that the City itself look for land to purchase and construct its own 50-meter pool rather than relying on the YMCA.

TODD VARGO; PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 RELATING TO NOISE PROHIBITIONS

Mr. Vargo, Attorney for Publix Grocery Store, stated that he has worked with City Attorney Kelly Butler and expressed concerns with the existing language of the proposed

Ordinance. He added that Publix wants to do their part to eliminate any unnecessary or obnoxious noises that could be involved with their operations. Mr. Vargo recommends that the portion of the noise ordinance providing an exception for emergency generators for residential purposes also include an exception for commercial purposes for the health and safety of consumers. He also requested that refrigeration units and air conditioning units be exempted from the Ordinance.

In regards to numerous resident complaints in terms of dumpster service noises at all hours of the night, he agrees wholeheartedly. He recommended that the proposed noise Ordinance carve out and separate those waste collection services from delivery operations. Also, the 25-foot buffer distance is problematic, in his opinion, which creates a hindrance for enforcement by the City. He recommended that the distance be increased to 100 or 150 feet.

ELLIE TAYLOR; PRESIDENT OF ALABAMA GROCERY ASSOCIATION, PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 RELATING TO NOISE PROHIBITIONS

Ms. Taylor agreed with the comments from Mr. Vargo and echoed his request that Council make an exception for emergency generators.

GERALD CLARK; FLAG POLE AT FORMER FIRE STATION NO. 2 ON HUGHES ROAD

Mr. Clark, on behalf of a Monrovia resident who has a park next to her home dedicated to last year's tornado victims, asked Council what will happen to the flag pole left at the site of the former Fire Station No. 2. She would love to see the pole erected at the park. Council President Ondocsin stated that the City will look in to this.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$1,162,720.69
o Special Operating Account	\$2,999.00
Gasoline Tax & Petroleum Inspection Fees	\$48,910.66
Series 2006 Bond Checking	\$44,669.95
Library Building Fund	\$6,123.60
Water Distribution & Storage Projects	\$56.80
Fire/CPR	\$489.02
• Approval of payment to Commercial Landscape Service for mainline Irrigation repair for ADA project #11-029 (to be paid from Capital Improvement Project (CIP) budget)	\$680.00
• Approval of payment to HD Supplies for materials needed for ADA Project 11-029 (to be paid from CIP budget)	\$3,113.60

- Approval of payment to Alabama Concrete for materials/supplies needed for ADA Project 11-029 (to be paid from CIP budget) \$1,860.00
- Approval of payment to Vulcan Materials for materials/supplies needed for ADA Project 11-029 (to be paid from CIP budget) \$1,628.51
- Approval of payment to Lowe's for materials/supplies needed for ADA Project 11-029 (to be paid from CIP budget) \$233.87
- Approval of payment to Baker Sand & Gravel for supplies needed for soccer field repairs (to be paid from CIP budget) \$1,743.00
- Approval of payment to Environmental Systems Corp. for LEED Certification (to be paid from CIP budget) \$1,582.00
- Approval of payment to Carbon Solution Group for renewal energy Certification (to be paid from CIP budget) \$276.36
- Approval of payment to Lee Builders for repairs to exterior main entrance (to be paid from departmental budget) \$10,052.00
- Resolution 2012-303-R declaring certain city property formerly used by the Recreation Department as surplus and of negligible value and authorizing its disposal
- Resolution 2012-304-R declaring certain city property formerly used by the Recreation Department as surplus and authorizing its sale through auction on GovDeals
- Resolution 2012-305-R authorizing a travel advance in the amount of \$30 each for Clint Harrell, Nick McRae and Shay Hobson to attend FBI First Line Supervisor Course (to be paid from departmental budget)
- Resolution 2012-306-R declaring certain city property formerly used by Lt. Scott Peake (duty weapon and badge) as surplus and authorizing that it be given to Lt. Peake upon his retirement on September 1, 2012
- Resolution 2012-307-R authorizing a travel advance in the amount of \$30 for Carol Stafford to attend Female Officer Survival Course (to be paid from departmental budget)
- Acceptance of donation of Brother color laser printer from Jay Snyder to be used by the Police Department
- Resolution 2012-309-R approving a travel advance in the amount of \$160 for Tanner Wilkerson to attend Field Training Officer Instructor course (to be paid from departmental budget)
- Resolution 2012-294-R authorizing the purchase of E-Ticket perforated roll paper from State Bid T-018/ for the period 08/20/2011 through 08/19/2013
- Resolution 2012-295-R authorizing the purchase of incandescent fluorescent lamps from State Bid T-102 for the period 07/11/2008 through 08/31/2012
- Resolution 2012-296-R authorizing the purchase of cut paper & continuous forms from State Bid T-103 for the period 07/20/2011 through 07/19/2013

- Resolution 2012-297-R authorizing the purchase of tractors from State Bid T-222 for the period 09/01/2009 through 08/31/2013
- Resolution 2012-298-R authorizing the purchase of maintenance, repair and operating supplies from State Bid T-800 for period 05/30/2011 through 04/30/2013
- Approval of payment to PBS for portable restroom for Main Street Improvement project (to be paid from CIP budget) \$81.60
- Approval of partial payment to Florence & Hutcheson for development of construction plans for Old Madison Pike Resurfacing project (to be paid from CIP budget) \$8,038.50
- Approval of payment to the following vendors for advertising for Gooch Lane Reconstruction project (to be paid from CIP budget):
 - Huntsville Times \$445.28
 - Madison County Record \$300.20
- Approval of payment to JW Kennedy for boundary and topo related to Wall Triana widening project (to be paid from CIP budget) \$1,890.00
- Approval of payment to Land Design Solutions, Inc. for construction Administration services related to Bradford Creek Greenway Phase I (to be paid from CIP budget) \$2,745.00
- Approval of payment to McElroy Land Surveying for boundary and topo on Hughes Road (study for possible inclusion as future ATRIP project) \$14,590.00
- Approval of payment to Bob Cat Loaders for Palmer Park ADA Project 10-022 (to be paid from CIP budget) \$1,460.00
- Approval of payment to Baker Sand & Gravel for Palmer Park ADA Project #10-022 (to be paid from CIP budget) \$228.20
- Approval of payment to Reed Contracting for Palmer Park ADA Project #10-022 (to be paid from CIP budget) \$15,188.79
- Resolution No. 2012-310-R approving a travel advance in the amount of \$160 for Christie Gover to attend National Conference on Child Sexual Abuse and Exploitation (to be paid from departmental budget)
- Resolution No. 2012-311-R declaring certain city property as surplus (formerly used by Public Works Department) and authorizing that it be sold through GovDeals auction
- Resolution No. 2012-312-R declaring scrap metal in the possession of the Public Works Department as surplus and authorizing for its sale
- Resolution No. 2012-302-R authorizing the disposal of certain Fire Department records as approved by the State Department of Archives

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. 2012-301-R; APPROVING ANNUAL APPROPRIATION OF THE YMCA

Council Member Holcombe moved to approve Resolution No. 2012-301-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	Nay
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

RESOLUTION NO. 2012-268-R; APPROVING ANNUAL APPROPRIATION FOR CITY OF MADISON BOARD OF EDUCATION

Council Member Jennings moved to approve Resolution No. 2012-268-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	Nay
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

UPDATE ON BRADFORD CREEK GREENWAY

Mayor Finley reminded Council that Ms. Powers appeared before them at the July 23 Council Meeting regarding the City's need for a portion of her property for the Bradford Creek greenway. Mayor Finley met with Ms. Powers and Dr. Powers and worked out a very fair agreement which allows the City to purchase the land necessary and once again puts the project back on track. The necessary documents will be forwarded to the Legal Department for presentation at a very near Council Meeting for their consideration.

SALES TAX FIGURES

Mayor Finley announced that sales tax revenues are up 11.94% over last year.

FAMILY OF THE YEAR

Forty-eight nominations are for this year's Family of the Year were received. Applications will now be forwarded to the nominated families and the committee will review the completed applications.

REMOVAL OF MEDIAN ISLANDS

With the assistance of the Public Works Department, the median islands on Wall-Triana/Sullivan Street have all been removed.

MAIN STREET PAVING STATUS

The final stage of paving has begun on Main Street. It is expected to be finished by the middle of the week.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

COMMENTS REGARDING STREET FESTIVAL POLITICAL BOOTH

Council Member Holcombe stated that Mr. Scovill's comments earlier in the meeting regarding the banning of political campaigning at this year's Street Festival are untrue. It has been a long-standing policy of the Street Festival Committee of having two information booths per type; doctors, lawyers, chiropractors, insurance providers, etc. This year, the Committee made a decision to allow three political booths; one for Republicans, one for Democrats and one for Independents.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

MILITARY APPRECIATION NIGHT

The first annual Bob Jones High School vs. James Clemons High School football game will occur on September 7th. Council Member Haraway reminded Council that in years past the City has appropriated funds towards the Bob Jones High School Touchdown Club's Military Appreciation Night.

Council Member Haraway moved to authorize the expenditure of \$2,000 from Council's Special Projects budget for this year's Military Appreciation Night. 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.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

No business to report

COUNCIL DISTRICT NO. 4 TIM COWLES

Council Member Cowles stated that he believes limiting political speech is a bad idea.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

No business to report

COUNCIL DISTRICT NO. 6 LARRY VANNOY

FOUR CENT GAS TAX FUNDS

Council Member Vannoy informed Council that Public Works Department has requested a transfer of \$190,000 from Four Cent Gas Tax for the following projects:

- Resurfacing of Madison Boulevard at Hughes Road intersection \$50,000
- Resurfacing of Hughes Road south of Eastview \$50,000
- Resurfacing of Shelton Road \$50,000
- Raising of curb at McDonalds and Hardee's on Highway 72 \$7,500
- Island median at Wal-Mart Shopping Center on Madison Boulevard \$28,400

Council Member Vannoy moved to authorize a transfer of \$190,000 from Four Cent Gas Tax account to Public Works Department budget. 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.

CONDEMNATION PROCESS PROCEDURE

Council Member Vannoy requested that Building Director Cody Phillips educate the Council on the condemnation process as he has several homes within his district that are in disrepair and are no longer occupied.

Mr. Phillips stated that one of the difficulties in dealing with abandoned homes is finding out who owns the home. In many cases the homes have been foreclosed on and the mortgage holder is unknown. Through Code Enforcement, the City can abate the weeds and grass and any trash that might be in the yard but it is difficult for the City to abate anything that is within the house. In order to gain access inside to assess the interior conditions a court order is required.

COUNCIL DISTRICT NO. 7 RONICA ONDOCSIN

No business to report

BOARD/COMMITTEE APPOINTMENTS

APPOINTMENT TO ZONING BOARD OF ADJUSTMENTS

Planning Director Amy Bell informed Council that Mr. Tim Malueg has resigned his position on the Zoning Board of Adjustments. The City Clerk-Treasurer Department will post this vacancy and accept applications.

PUBLIC HEARINGS

REQUEST FOR ON-PREMISE BEER/WINE/LIQUOR LICENSE FROM NAGASAKI, INC. (DBA: SAKURA JAPANESE STEAKHOUSE) FOR THEIR LOCATION AT 12090 COUNTY LINE ROAD, SUITE P

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

Council Member Cowles moved to consent to the issuance of an on-premise beer/wine/liquor license to Nagasaki, Inc. (DBA: Sakura Japanese Steakhouse) for their location at 12090 County Line Road, Suite P. 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.

REQUEST FROM DUAN LING LU (DBA: KING BUFFET) FOR AN ON-PREMISE BEER/WINE/LIQUOR LICENSE FOR THEIR LOCATION AT 7830 HIGHWAY 72 WEST, SUITE 250

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

Council Member Cowles moved to consent to the issuance of an on-premise beer/wine/liquor license to Duan Ling Lu (DBA: King Buffet) for their location at 7830 Highway 72 West, Suite 250. 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. 2012-286-R; REQUEST FROM RAJ KUMAR (DBA: AAAA CAB COMPANY) TO OPERATE TWO (2) TAXICABS IN THE CITY OF MADISON

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

Council Member Jennings moved to approve Resolution No. 2012-286-R, pending submission of necessary documents. 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.

PROPOSED ORDINANCE NO. 2012-246; REZONING CERTAIN PROPERTY LOCATED IN SHILOH RUN SUBDIVISION FROM R-1B TO R-2 AS REQUESTED BY DAL, LLC (FIRST READING 07/09/2012)

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

Council Member Haraway moved to approve Resolution No. 2012-246-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.

DEPARTMENTAL REPORTS

LEGAL DEPARTMENT

PROPOSED ORDINANCE NO. 2012-256; AMENDING SECTIONS 12-5 AND 12-6 OF THE CODE OF ORDINANCES RELATING TO NOISE PROHIBITIONS (FIRST READING 07/09/2012; SECOND READING 07/23/2012; THIRD READING OF PROPOSED ORDINANCE)

Council Member Jennings stated that the evaluation criteria are very subjective. He asked for assurances from the Police Department that they are satisfied with the Ordinance as presented to Council this evening. Police Major Cooke informed Council that his department is comfortable with the way the proposed ordinance is written.

Council Member Jennings was contacted by a parent in his district who expressed concern with Section 14-178 relating to persons having possession of any sound production device or sound reproduction device due to the fact that her children are members of the school band and as such have occasion to carry their instruments to and from school. Major Cooke stated that the Police Department will use discretion with this ordinance; he cannot foresee anyone being issued a citation for carrying their band instrument. Council Member Jennings requested that Section 14-178 be rewritten to

indicate that there is no doubt as to what the intent is. City Attorney Butler stated that in order for this to come in to play it would already have to be in Court. Council Member Jennings proposed a language change which would clarify and ensure that the statement does not stand by itself.

Council Member Haraway brought up the issue of 25-ft. into someone's property since this would then put the noise threshold at someone's front door which he believes is excessive and would rather see it be written instead to state "at the property line". Council Member Overcash said he believes it all boils down to being "audible". If one can barely hear it at the property line then conceivably you cannot hear it elsewhere.

Council Member Holcombe also expressed concern with the 25-ft. threshold. He reminded everyone that we live in a city, we are on the glideslope of an international airport and we have a train that runs through the middle of downtown; we have to be reasonable. He does understand the complaints residents have voiced regarding dumpsters in the middle of the night and of street sweepers and agrees these issues should be addressed.

Council Member Overcash stated that he has received numerous emails from residents stating that this ordinance is very restrictive. However, he does not have the number of businesses dealing with dumpsters and delivery vehicles as other Council Members do. He is concerned though that the city has gone too far with this ordinance.

City Attorney Butler stated that Council can choose to go completely subjective which, besides the decibel meter, is basically what the City already has. The feedback that she received is that this option was not working. The decibel meters are the gold standard for scientific enforcement but the measurement requirements are very involved and it is not practical. She added that whether the police measure the noise from the property line, the source of the sound or the corner of the residence nearest the source of the sound it doesn't matter. Ultimately it comes down to the enforcement of it; can it be enforced, are the officers comfortable with this and if they tell her no then she will look at a redraft. If Council tells her that this draft is not workable then she will start over or we start with this draft and see how it works.

Council Member Jennings moved to approve Ordinance No. 2012-256, with additional language in Section 14-178(b) "for those charged under 14-178 paragraph 1(a)" as well as a revision to allow emergency generator use in commercial districts during power outages. Council Member Overcash seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Nay
Council Member Steve Haraway	Nay
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. 2012-263; AMENDING SECTIONS 6-23 OF THE CODE OF ORDINANCES RELATING TO RIGHT-OF-WAY IMPROVEMENTS (FIRST READING 07/09/2012; SECOND READING 07/23/2012; THIRD READING OF PROPOSED ORDINANCE)

Council Member Holcombe moved to table proposed Ordinance No. 2012-263 to August 29, 2012 Council 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.

PROPOSED ORDINANCE NO. 2012-277; AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES RELATING TO NUISANCES (FIRST READING)

Council Member Overcash moved to continue proposed Ordinance No. 2012-277 to the August 29, 2012 regular Council meeting. 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.

PROPOSED ORDINANCE NO. 2012-48; AMENDING ARTICLE 1 OF CHAPTER 7.5 OF THE CODE OF ORDINANCES RELATING TO MUNICIPAL CEMETERIES (FIRST READING)

This was a first reading of proposed Ordinance No. 2012-48.

PLANNING DEPARTMENT

RESOLUTION NO. 2012-281-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2012-282 ZONING CERTAIN PROPERTY R-1A LOCATED AT 140 FORREST DRIVE OWNED BY CRAIG & DIANE BRENNAN (1ST PUBLICATION 08/18, SYNOPSIS 08/25, PUBLIC HEARING 09/10)

Council Member Overcash moved to approve Resolution No. 2012-281-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.

RESOLUTION NO. 2012-283-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2012-284 REZONING CERTAIN PROPERTY LOCATED WEST OF SULLIVAN STREET AND SOUTH OF KYSER BOULEVARD FROM R-1B TO B-2 AS REQUESTED BY GEORGE T. JOHNSON, JR. (1ST PUBLICATION 08/18, SYNOPSIS 08/25, PUBLIC HEARING 09/10)

Council Member Holcombe moved to approve Resolution No. 2012-283-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.

PROPOSED ORDINANCE NO. 2012-299; CHANGING THE NAME OF HERITAGE MILL DRIVE LOCATED IN MILLSTONE SUBDIVISION TO MILL WALK COURT SOUTH FROM THE INTERSECTION OF WHITE MILL DRIVE (FIRST READING)

This is a first reading only of proposed Ordinance No. 2012-299.

RESOLUTION NO. 2012-291-R; APPROVING PAYMENT FOR EXCURSIONS PUBLICATION (FUNDING FROM COUNCIL SPECIAL PROJECT BUDGET IN THE AMOUNT OF \$1,600, MAYOR SPECIAL PROJECT BUDGET AND PLANNING DEPARTMENT SPECIAL PROJECT BUDGETS)

Council Member Jennings moved to approve Resolution No. 2012-291-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.

RESOLUTION NO. 2012-290-R; APPROVING THE PHOTOVOLTAIC SYSTEM HOST LEASE AGREEMENT WITH REDSTONE ENERGY GROUP (REG), LLC

Council Member Jennings moved to approve Resolution No. 2012-290-R. Council Member Vannoy seconded. The vote taken was recorded as follows:

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

Council Member Ronica Ondocsin

Nay

Motion failed.

FIRE DEPARTMENT

RESOLUTION NO. 2012-267-R; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ACS GOVERNMENT SYSTEMS, INC FOR FIREHOUSE SOFTWARE HOSTING AND SUPPORT SERVICES (FUNDING TO COME FROM DEPARTMENT BUDGET)

This item was removed from the agenda.

RECREATION DEPARTMENT

RESOLUTION NO. 2012-287-R; AWARDDING BID MRD-11-12 FOR UNIFORMS FOR THE MADISON RECREATION DEPARTMENT AQUATICS DIVISION

Council Member Holcombe moved to approve Resolution No. 2012-287-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.

BUILDING DEPARTMENT

DISCUSSION OF FORMER FIRE STATION NO. 2

Building Director Cody Phillips reminded Council that this property includes a former residence that was built in the 1960's and deeded over to the City in the mid 80's to be used as a fire station. Over the past several years the structure has begun to deteriorate; roof leaks and subsequent mold issues. The building was deemed inhabitable and the fire personnel were moved to a manufactured home on the site until such time as a determination could be made on whether to renovate the structure or rebuild. The cost of renovations to make it habitable once again would be cost prohibitive.

RESOLUTION NO. 2012-292-R; DECLARING CERTAIN CITY PROPERTY AS SURPLUS (FIRE STATION NO. 2 MANUFACTURED HOME) AND AUTHORIZING THE MAYOR TO SELL SAID PROPERTY TO MADISON COUNTY COMMISSION

Council Member Cowles moved to approve Resolution No. 2012-292-R. Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Council Member Ronica Ondocsin

Aye

Motion passed.

PROPOSED ORDINANCE NO. 2012-300; DECLARING SAID REAL PROPERTY (FORMER FIRE STATION NO. 2) AS SURPLUS AND OF NEGLIGIBLE VALUE AND AUTHORIZING ITS DEMOLITION DUE TO CONDITION OF SAID PROPERTY (FIRST READING)

This was a first reading only of proposed Ordinance No. 2012-300.

ENGINEERING DEPARTMENT

RESOLUTION NO. 2012-308-R; AWARDED BID NO. MED-14-12 TO APAC-MIDSOUTH FOR GOOCH LANE RECONSTRUCTION PROJECT IN THE AMOUNT OF \$267,496.82

Council Member Haraway moved to approve Resolution No. 2012-308-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.

CITY CLERK-TREASURER DEPARTMENT

RESOLUTION NO. 2012-285-R; ACCEPTING SETTLEMENT FROM ALABAMA MUNICIPAL INSURANCE CORPORATION FOR POLICE DEPARTMENT VEHICLE TOTALLED IN ACCIDENT

Council Member Haraway moved to approve Resolution No. 2012-285-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.

SET MEETING OF THE CITY COUNCIL FOR SEPTEMBER 4, 2012 COMMENCING AT NOON TO CANVASS THE RESULTS OF THE AUGUST 28, 2012 GENERAL MUNICIPAL ELECTION

As required by Alabama law, the Madison City Council will hold a meeting on September 4, 2012 at noon to canvass the results of the general municipal election.

City Clerk-Treasurer Melanie A. Williard announced that the City Clerk-Treasurer Department will be open at 7:00 am every weekday morning between now and August 27th to accommodate those individuals who are qualified to vote absentee for the Municipal General Election scheduled for Tuesday, August 28th.

Poll Worker's School is scheduled for tomorrow at 3:00 PM at the Jaycee's Building in Huntsville. The public testing of the voting machine is scheduled for next Wednesday at 11:00 am at the Grant Building in Huntsville.

The last day to register to vote or make changes to your voting information (name or address) is Friday, August 17th.

MANOR CARE VS. CITY OF MADISON

Council President Ondocsin stated that there is one item before Council which is subject to being discussed in executive session because it 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 purpose of discussing with the City Attorney the legal ramifications of and legal options for pending litigation in which the City is a party. Council Member Holcombe seconded.

Council President Ondocsin asked if there was any declaration from counsel necessary. 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, she hereby declared 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 12-A (5) on the August 13, 2012 agenda. This declaration doesn't constitute a waiver of the attorney-client privilege. 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. With majority consent, the Council then entered into executive session until approximately 10:30 PM.

Council Member Overcash moved to reconvene from executive session. 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.

Council Member Holcombe moved to approve Resolution No. 2012-313-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.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

None

ADJOURNMENT

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

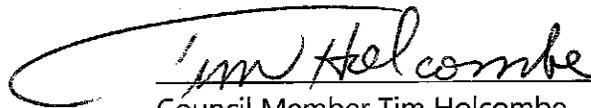
Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Ronica Ondocsin	Aye

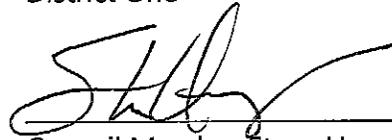
Motion carried.

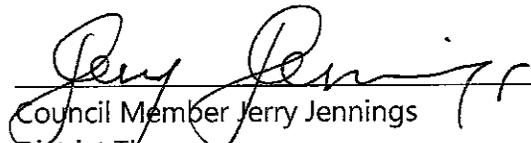
The meeting was adjourned at 10:36 p.m.

Signatures on following page.

Minutes No. 2012-16-RG, dated August 13, 2012, read, approved and adopted this 29th day of August 2012.


Council Member Tim Holcombe
District One


Council Member Steve Haraway
District Two


Council Member Jerry Jennings
District Three

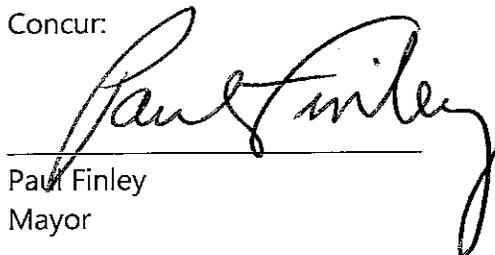

Council Member Tim Cowles
District Four


Council Member Tommy Overcash
District Five

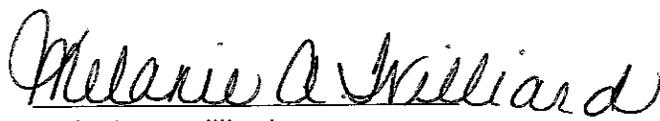

Council Member Larry Vannoy
District Six

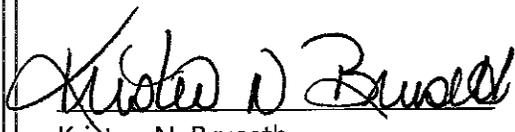

Council Member Ronica Ondocsin
District Seven

Concur:


Paul Finley
Mayor

Attest:


Melanie A. Williard
City Clerk-Treasurer


Kristen N. Bruseth
Recording Secretary