



MINUTES NO. 2013-11-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
JUNE 10, 2013

The Madison City Council met in regular session on Monday, June 10, 2013, 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 Tommy Overcash.

Pastor Julius Richardson with Restoration Foursquare Church provided the invocation followed by the Pledge of Allegiance led by Council President Tommy Overcash.

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 Troy Trulock	Present
Council District No. 1 Tim Holcombe	Present
Council District No. 2 Steve Smith	Present
Council District No. 3 DJ Klein	Present
Council District No. 4 Mike Potter	Present
Council District No. 5 Tommy Overcash	Present
Council District No. 6 Gerald Clark	Present
Council District No. 7 Ronica Ondocsin	Present

Also in attendance were: Planning Director Amy Bell, Parks & Recreation Director Kory Alfred, Fire Chief Ralph Cobb, Human Resources Director Terri Towry, Building Director Jimmy Morgan, Police Chief Larry Muncney, Engineering Director Gary Chynoweth, Public Works Director Steve Abbott, Revenue Officer Cameron Grounds, City Attorney Kelly Butler, Finance Director Roger Bellomy, Court Magistrate Beth Bellomy and City Clerk-Treasurer Melanie A. Williard

Public Attendance registered: Steve Burcham, Julius Richardson, Charles Martin, Justin Martin, Jon Howell, Dee Voelkel, Don Palmer, Susie Masotti, Howell Lee, Cary Hilton, Dr. Harry Hobbs, Margi Daly, Matt Agneill, Anthony Russell and David Hergenroeder

APPROVAL OF MINUTES

MINUTES NO. 2013-10-RG, MAY 28, 2013

Council Member Holcombe moved to approve Minutes No. 2013-10-RG. Council Member Clark seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Aye
Council Member DJ Klein	Aye
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

PRESENTATIONS AND AWARDS

**DREW FREEMAN, EXECUTIVE DIRECTOR OF THE HOGAN YMCA:
PRESENTATION REGARDING ANNUAL APROPRIATION**

Mr. Freeman outlined for Council the YMCA's proposed use of this year's annual appropriation from the City of Madison. Council Member Klein asked Mr. Freeman what the status is on the 50-meter pool that was promised before construction even began on the facility. Mr. Freeman stated that the pool is still in their five-year plan and they are still committed to finding a solution. He added that they are working with the Madison Board of Education and the City to come up with a better plan than they originally projected for the 50-meter pool.

Council Member Ondocsin requested a copy of the five-year plan both for the Hogan YMCA and the Huntsville YMCA. Council Member Clark asked Mr. Freeman if the Hogan YMCA receives an annual appropriation from the Cities of Triana and Huntsville. He was informed that they rely solely on the City of Madison's annual appropriation, their membership dues and fundraising campaigns throughout the year.

Council Member Potter asked if the YMCA includes private schools and home schools in the SPLASH program. The Splash Program is an introduction and orientation to swimming and water safety skills, designed primarily for 3rd grade school children. Mr. Freeman informed him that currently the YMCA only offers the program to Madison City Schools. He is, however, reaching out to St. John the Baptist Catholic Church and other 3rd graders and stated that anyone who has a group of 3rd graders that want to get involved can contact him at the YMCA and they will try to make it happen.

Council Member Klein asked Mr. Freeman how individuals can access the walking path located on the second level if they are unable to climb the stairs. Mr. Freeman stated that right now they do not offer any other way to access the path other than the stairs and there currently is no feasible way to offer an alternative.

**RECOGNITION OF TYONEK MANUFACTURING GROUP, INC. BEING NAMED
AS SIKORSKY AIRCRAFT 2012 SUPPLIER OF THE YEAR (SMALL BUSINESS)**

Planning Director Amy Bell explained that this is Industrial Business Collaboration is a new effort that the City is involved in with the Industrial Development Board and the Madison Chamber of Commerce. The first program that was created is the "Face-to-Face with Industry" with Tyonek Manufacturing Group, Inc. being their first visit. It is an exciting way for the City's leaders to become involved with the City's businesses and discover they are manufacturing and fabricating as well as what their issues might be and how the City

can assist in helping to forward their business. Since then there have been a handful of other visits to local businesses.

Mayor Trulock thanked Ms. Bell for spear-heading this program to recognize the great businesses that are in our City. Mayor Trulock stated that Tyonek Manufacturing Group was awarded 2012 *Supplier of the Year* award from Sikorsky Aircraft. He presented a letter to Vice-President Susan Mason recognizing her company's success. A round of applause was given.

Ms. Mason gave a brief statement regarding their recent award and a background of Tyonek Manufacturing Group.

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.

MARGI DALY; PROPOSED SALES TAX INCREASE

Madison resident Margi Daly appeared before Council to discuss the sales tax issue later in this evening's agenda. She is against the idea of raising sales tax and asked what other options are available.

Ms. Daly commented on the annual appropriation to the Hogan Family YMCA later on in this evening's agenda. She stated that not only is a promise to give to an organization unethical, it is also illegal.

Ms. Daly concluded her presentation to Council by stating that in the next few years we will see a lot of changes; cars that we don't need drivers in, drones delivering pizzas and the penny going away. She added that she is concerned that the City has set a precedent in allowing someone to illegally place a fence on greenway space and now the City must pay \$25,000. Council Member Ondocsin informed Ms. Daly that that is not an accurate description of what the situation is. Council Member Ondocsin, in an effort to save time and at the urging of Council President Overcash, will meet with Ms. Daly after the meeting to explain the situation to her.

Council Member Klein corrected a few erroneous comments made by Ms. Daly in regards to Council engaging in illegal and unethical practices. This Council has not promised anything to the YMCA as a vote is taken every year on whether or not to authorize an annual appropriation. He stated that Council has endured Ms. Daly's claims of improper and unethical activities anywhere from using the city credit cards to purchase x-rated movies and the like. Council has respected her time and ability to appear before them at meetings and asked that in the future she give them the same respect they give her.

SUSIE MASOTTI; MADISON CHAMBER OF COMMERCE

Ms. Masotti updated Council on several upcoming Chamber events.

DR. HARRY HOBBS; 3RD ANNUAL COMMUNITY AWARENESS FOR YOUTH EVENT

Dr. Hobbs, Huntsville Police Department's Communication Relations Officer, announced that the 3rd annual Community Awareness for Youth event will take place Saturday, August 17th from 10:00 am – 3:00 pm at the Jaycee's Building and fairgrounds on

Airport Road in Huntsville. The event is targeted at 7th – 12th graders and teaches them about health, education, finances and careers. Dr. Hobbs anticipates nearly 3,000 participants this year and the event is free to the public.

CARY HILTON; CONCERNS WITH ORDINANCES ON AGENDA

Madison resident Cary Hilton approached Council with concerns he has on three Ordinances to be discussed this evening.

- Proposed Ordinance 2013-152; authorizing the sale of unneeded municipal property

Mr. Hilton asked if this property was seized by eminent domain or if it was condemned. City Attorney Butler informed him that it was a mutual agreement for purchase reached with the former owners and it had nothing to do with eminent domain or condemnation. She further informed him that as the City's attorney she is obligated to bring to Council an offer made to purchase the property for their consideration. Mr. Hilton stated that it was his understanding that the normal procedure is to offer up excess property by bid. Attorney Butler corrected him by stating that Alabama Law does not require the sale of unneeded municipal property to be put out for bid or the acceptance of offers.

- Resolution 2013-157-R; annual appropriation to the YMCA

Mr. Hilton asked what the City's policies and procedures are for determining what organizations receive annual appropriations.

- Proposed Ordinance 2013-158; amending Sections 7-50 and 7-52 of the Code of Ordinances levying a sales, excise or use tax

Mr. Hilton asked that the Council explain their rationale for making the decision to authorize an annual appropriation in the amount of \$50,000 and at the same meeting discuss the issue of raising the sales tax. Mr. Hilton then distributed a list of questions he has for Council and the Mayor regarding this proposed Ordinance prior to their vote on it at the next meeting.

DEE VOELKEL; PROPOSED SALES TAX INCREASE

Madison resident Dee Voelkel voiced her concerns with the proposed sales tax increase on this evening's agenda. She asked what the long range plans are for the monies this increase would bring in and further inquired about the capital projects east of Hughes Road.

Council Member Potter informed her that the repaving of Old Madison Pike will begin in the next two weeks and reminded her that Eastview repaving was just completed.

In terms of the proposed sales tax increase, Council President Overcash informed Ms. Voelkel that Council has held numerous work sessions and they've discussed it in several council meetings. They came up with a 7 – 8 year plan on what they'd like to accomplish. The ½-cent sales tax increase would allow the City a revenue stream where it would be able to go back to the bond market every 2 – 3 years to receive more CIP money which would be used to make Madison a better City in the form of amenities and improved road and drainage infrastructure.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$699,757.41
Gasoline Tax & Petroleum Inspection Fees	\$3,809.03
Series 2006 Bond Checking	\$104,941.00
Street Repair and Maintenance	\$2,385.13
Library Building Fund	\$43,697.99
Water Distribution & Storage Projects	\$124.34

- Resolution No. 2013-113-R; authorizing the disposal or destruction of certain Police Department records as authorized by the Alabama Department of Archives & History
- Resolution No. 2013-114-R; authorizing the disposal or destruction of certain Building Department records as authorized by the Alabama Department of Archives & History
- Resolution No. 2013-143-R; authorizing the disposal or destruction of certain Parks and Recreation Department records as authorized by the Alabama Department of Archives & History
- Resolutions authorizing the purchase of items from State Bid list:
 - Resolution No. 2013-161-R State Bid No. T-006; shredders
 - Resolution No. 2013-162-R State Bid No. T-018; e-ticket perforated roll paper
 - Resolution No. 2013-163-R State Bid No. T-020; printers and scanners
 - Resolution No. 2013-164-R State Bid No. T-035; fax machine cartridges
 - Resolution No. 2013-165-R State Bid No. T-037; soft body armor
 - Resolution No. 2013-166-R State Bid No. T-043; traffic strip-pavement marking
 - Resolution No. 2013-167-R State Bid No. T-100; mosquito control
 - Resolution No. 2013-168-R State Bid No. T-105; oil and grease lubricants
 - Resolution No. 2013-169-R State Bid No. T-108; office supplies
 - Resolution No. 2013-170-R State Bid No. T-114; reflective sheeting
 - Resolution No. 2013-171-R State Bid No. T-133; traffic control equipment
 - Resolution No. 2013-172-R State Bid No. T-138; steel sign supports
 - Resolution No. 2013-173-R State Bid No. T-153; sign blanks-sheets
 - Resolution No. 2013-174-R State Bid No. T-154; herbicides
 - Resolution No. 2013-175-R State Bid No. T-155; traffic marking materials
 - Resolution No. 2013-176-R State Bid No. T-158; heavy equipment rental
 - Resolution No. 2013-177-R State Bid No. T-199; metal file cabinets
 - Resolution No. 2013-178-R State Bid No. T-270; restroom supplies
 - Resolution No. 2013-179-R State Bid No. T-301; cellular telephones
 - Resolution No. 2013-180-R State Bid No. T-390; furniture
 - Resolution No. 2013-181-R State Bid No. T-710; fingerprint scanning equipment
 - Resolution No. 2013-182-R State Bid No. T-800; maintenance, repair and operating supplies

- Resolution No. 2013-183-R State Bid No. T-911; sign truck bodies
- Approval of payment to Vulcan Materials, Inc. for supplies purchased to repair utility trench failures (to be paid from Madison Utilities Forbearance Fund) \$1,173.67
- Approval of payment to Alabama Concrete Co., Inc. for supplies purchased to repair utility trench failures (to be paid from Madison Utilities Forbearance Fund) \$216.00
- Approval of payment to Wilmer and Lee for legal services related to Wall Triana Bridge replacement project (to be paid from Capital Improvement 2006 budget) \$936.32
- Resolution No. 2013-151-R; authorizing the disposal or destruction of certain Building Department records as authorized by the Alabama Department of Archives & History
- Acceptance of donation in the amount of \$11.93 from Chambers Bottling Company (to be deposited into Fire Department Donation Account)
- Resolution No. 2013-187-R; declaring certain city property formerly used by the Fire Department as surplus and authorizing that it be sold through Govdeals online auction

Council Member Potter seconded the motion to approve the Consent Agenda and Finance Committee Report. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Aye
Council Member DJ Klein	Aye
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

PRESENTATION OF REPORTS

MAYOR TROY TRULOCK

RESOLUTION NO. 2013-157-R; APPROVING AN ANNUAL APPROPRIATION AGREEMENT WITH THE YMCA

Council Member Smith stated that he has some concerns regarding this appropriation. He believes the YMCA competes with the City on some programs and added that he'd rather see the City reinvest this money back into the City.

Council Member Clark shared the concerns expressed by Council Member Smith regarding this appropriation. Council Member Klein suggested that the Board of Education and the YMCA Board collaborate with the City on the next budget to come up with a plan for the 50-meter pool.

Council Member Holcombe moved to approve Resolution No. 2013-157-R. Council Member Klein seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Nay
Council Member DJ Klein	Aye

Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Nay
Council Member Ronica Ondocsin	Aye

Motion carried.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

Council Member Holcombe announced that every Thursday evening from 6:30 – 8:30 pm a concert will be held at the gazebo on the Village Green until August 8th. These events are free to the public.

Also, on June 27th the Beautification-Tree Board will announce this year's Beautification Awards at their annual luncheon to be held this year at the Best Western.

COUNCIL DISTRICT NO. 2 STEVE SMITH

No business to report.

COUNCIL DISTRICT NO. 3 DJ KLEIN

No business to report.

COUNCIL DISTRICT NO. 4 MIKE POTTER

Council Member Potter announced that APAC has submitted a noise permit allowing them to repave Old Madison Pike at night. If APAC is allowed to pave at night, the total project time is estimated to be 14 business days long. If the noise permit is not issued and they have to work during the day along with the heavy traffic then the project will take 40 work days.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

Council President Overcash commented on the Eastview paving project which was recently completed in record time.

COUNCIL DISTRICT NO. 6 GERALD CLARK

Council Member Clark also reported that the amount of asphalt used on the Eastview project was less than originally anticipated which resulted in a cost-savings.

COUNCIL DISTRICT NO. 7 RONICA ONDOCSIN

RESOLUTION NO. 2013-186-R; MAKING CHANGES TO THE JOB CLASSIFICATION PLAN

Council Member Ondocsin announced that these changes are in title only.

Council Member Ondocsin moved to approve Resolution No. 2013-186-R. Council Member Potter seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Aye
Council Member DJ Klein	Aye
Council Member Mike Potter	Aye

Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

BOARD/COMMITTEE APPOINTMENTS

None

PUBLIC HEARINGS

PROPOSED ORDINANCE NO. 2013-116; ZONING CERTAIN PROPERTY LOCATED AT 221 FOY ROAD AS R-1B AS REQUESTED BY PROPERTY OWNERS RICHARD AND JUDITH HAYES (FIRST READING 05/13/2013)

Council President Overcash opened the public hearing for any comments from those in attendance regarding this request. There being none, he then closed the public hearing and entertained a motion from Council.

Council Member Clark moved to adopt Ordinance No. 2013-116. Council Member Potter seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Absent at time of vote
Council Member Steve Smith	Aye
Council Member DJ Klein	Aye
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2013-118; REZONING CERTAIN PROPERTY LOCATED AT 205 BROWNS FERRY ROAD FROM R-2 TO B-2 AS REQUESTED BY PROPERTY OWNERS MAJID AND JUDITH BABAI (FIRST READING 05/13/2013)

Council President Overcash opened the public hearing for any comments from those in attendance regarding this request. There being none, he then closed the public hearing and entertained a motion from Council.

Council Member Potter moved to adopt Ordinance No. 2013-118. Council Member Clark seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Aye
Council Member DJ Klein	Aye
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

DEPARTMENTAL REPORTS

PLANNING DEPARTMENT

PROPOSED ORDINANCE NO. 2013-134; ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT LOT 22, BLOCK 5 OF SKYLINE ACRES, 3RD ADDITION AS REQUESTED BY ROSA MARIA HOLZNER (FIRST READING 5/28/2013)

Council Member Clark moved to adopt Ordinance No. 2013-134. Council Member Ondocsin seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Aye
Council Member DJ Klein	Absent at time of vote
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

RESOLUTION NO. 2013-160-R; APPROVING THE SUBMISSION OF TAP GRANT APPLICATION FOR PHASE III OF DOWNTOWN IMPROVEMENT PROJECT

Council Member Clark moved to adopt Resolution No. 2013-160-R. Council Member Holcombe seconded. The roll call vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Smith	Aye
Council Member DJ Klein	Absent at time of vote
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2013-155; VACATING A UTILITY AND DRAINAGE EASEMENT LYING ON LOT 10 OF SHILOH RUN SUBDIVISION (FIRST READING)

This was a first reading only of proposed Ordinance No. 2013-155.

PROPOSED ORDINANCE NO. 2013-152; AUTHORIZING THE SALE OF UNNEEDED MUNICIPAL PROPERTY (FIRST READING)

City Attorney Kelly Butler offered this proposed Ordinance for consideration and stressed that it is only a first reading. This property is 8.63 acres located on Mill Road of the approximately 15 acres the City recently purchased from Dr. Powers and Ms. Powers for the Bradford Creek Greenway. This portion is the western side of that property which would be everything that is out of the floodway. The Engineering department has requested that the City retain the property that is in the floodway in order to control the PUD easement which runs the entire width of the floodway and that we control the floodway for legal purposes. She stated that the offer is \$29,000 per acre which is what the City paid for the property in order to obtain the necessary land needed for the Bradford Creek Greenway project.

Mrs. Butler informed Council that their options, at the next regular meeting when this Ordinance comes before them again for a vote, is to accept the offer or decline the offer. If Council does not accept this offer then they would have to direct Mrs. Butler and City Clerk-Treasurer Melanie Williard on how to move forward whether that be to put the property up for auction, sub-divide the property and sell it off or simply choose to not act on the offer at this time and do nothing.

Council Member Clark asked Parks & Recreation Director Kory Alfred if this property would be amendable to additional ball field space which is in need in the City. Mr. Alfred informed him that due to the close proximity of the floodway the property would not be feasible for field use. City Attorney Butler added that the topography of the property is not conducive to laser-graded soccer fields or baseball fields.

Council Member Potter asked what the estimated time frame would be to put the property back on the market should the City decide to hold off on accepting the offer at the next regular meeting. Mrs. Butler stated that she will present to them their top three ways that a municipality can sell a piece of unneeded property prior to this offer coming before them for a vote.

REVENUE DEPARTMENT

PROPOSED ORDINANCE NO. 2013-158; AMENDING SECTIONS 7-50 AND 7-52 OF THE CODE OF ORDINANCES OF THE CITY OF MADISON, ALABAMA, LEVYING A SALES, EXCISE OR USE TAX (FIRST READING)

Council Member Potter clarified, for members of the audience who might be a little confused as to what this Ordinance proposes, that this Ordinance would raise the current sales tax by ½ cent for a total of 9 cents.

The current City sales tax rate is 3% and if this Ordinance is adopted the rate would then be 3.5%. Council Member Potter recommended that individuals visit his web page on the City's website to see how the existing property and sales tax is broken down.

Council Member Holcombe added that currently Madison's total sales tax is 8.5% in Madison County and 9% in the Limestone portions of the City. The State of Alabama receives 4%, Madison County receives 1.5% and Limestone County receives 2% with only 3% staying in the City of Madison.

Council Member Clark asked what an additional .5% sales tax would bring to the City per year. Revenue Officer Cameron Grounds estimated it would bring approximately \$2.5 million per year. The .25% increase in automotive machinery would bring approximately \$75,000 more per year.

This was considered a first reading only.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Council President Overcash reminded Council that a Work Session will be held this Wednesday beginning at 7:00 PM to discuss Capital Improvement projects.

ADJOURNMENT

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

Council Member Tim Holcombe

Aye

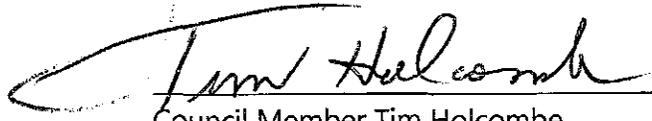
Council Member Steve Smith	Aye
Council Member DJ Klein	Aye
Council Member Mike Potter	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member Ronica Ondocsin	Aye

Motion passed.

The meeting was adjourned at 7:55 p.m.

Signatures on following page.

Minutes No. 2013-11-RG, dated June 10, 2013, read, approved and adopted this 24th day of June 2013.



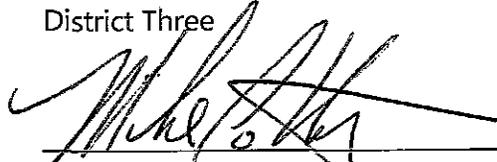
Council Member Tim Holcombe
District One



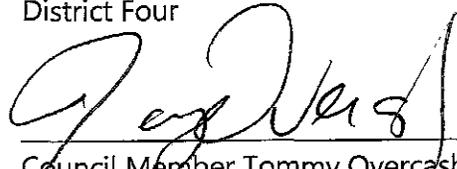
Council Member Steve Smith
District Two



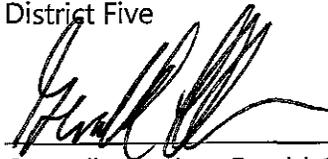
Council Member DJ Klein
District Three



Council Member Mike Potter
District Four



Council Member Tommy Overcash
District Five



Council Member Gerald Clark
District Six



Council Member Ronica Ondocsin
District Seven

Concur:

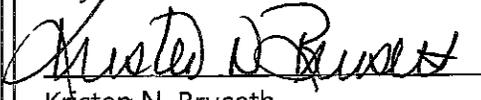


Troy Trulock
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer



Krister N. Bruseth
Recording Secretary