

MINUTES NO. 2009-15-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
JULY 13, 2009

The Madison City Council met in regular session on Monday, July 13, 2009 at 6:00 p.m. in the Council Chambers of the Madison Municipal Complex, Madison, Alabama.

Noting that a quorum was present, the meeting was called to order at 6:02 p.m. by Council President Overcash.

Pastor Lee Singley of Wall Highway Baptist Church provided the invocation. The Pledge of Allegiance was 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 Paul Finley	Present
Council District No. 1 Tim Holcombe	Present
Council District No. 2 Steve Haraway	Present
Council District No. 3 Jerry Jennings	Absent
Council District No. 4 Tim Cowles	Absent
Council District No. 5 Tommy Overcash	Present
Council District No. 6 Larry Vannoy	Present
Council District No. 7 Bill Holtzclaw	Present

Department heads in attendance were: City Clerk-Treasurer Melanie A. Williard, Assistant City Clerk-Treasurer Stacy A. Gilley, City Engineer Gary Chynoweth, Finance Director Lillie Causey, Mayoral Aide Taylor Edge, Parks & Recreation Director Mike Cassell, Public Works Director Dana Stahl, Revenue Officer Cameron Grounds, Major Lee Weaver, and City Planner Bob Atallo.

Public attendance registered: Gary A. Jones, Don and Sharon Monk, Ricky Pounders, Connie Spears, Ed Sasan, Larry M. Stickles, Shawn Holcomb, Troy Wesson, Adam Shuaff, Ed Collins, Sharon Gilbreath, Terry Johnson, Larry Miles, Don Webster, Ricky Robinson, Bea Hasten, Amy Furfori, Rob Ostep, W.C. Fuller, Mary Ray and David Hergenroeder.

APPROVAL OF MINUTES

MINUTES NO. 2009-14-RG, JUNE 22, 2009

Council Member Vannoy moved to approve Minutes No. 2009-14-RG. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

AMMENDMENTS TO THE AGENDA

The following additions were made to the agenda:

- Police Department employee recognition under Presentations and Awards
- Mr. Rob Ostop under Public Comments

PRESENTATIONS AND AWARDS

OATH OF OFFICE FOR NEW POLICE CHIEF, LARRY MUNCEY

Mayor Finley administered the oath of office to new Police Chief Larry Muncey.

Major Lee Weaver and 2nd shift police officers presented a plaque to Lieutenant Scott Peake in public recognition of his leadership and dedication to the Department.

PUBLIC COMMENTS

Mr. Ostop was not present during this portion of the meeting.

Sharon Gilbreath, a representative of the Black Heritage Council of the Alabama Historical Commission appeared before Council to ask about the status of the demolition of homes in the Historic District and was informed by the Mayor that he and City Planner Bob Atallo have started discussions on this matter and will keep her updated.

Gary Jones of 106 Nolen Jones Drive, appeared before Council to discuss the widening of Wall Triana Hwy with the inclusion of sidewalks.

Shawn Holcombe of 126 Woodlawn Drive, came before Council to discuss his drainage problems since the construction of Lauren Preserve.

Mary Ray, a Madison resident, echoed the sentiments discussed by Mr. Holcombe about the drainage problem.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$877,052.92
Gasoline Tax and Petroleum Inspection Fees	\$53,592.77
Series 2006 Bond Checking	\$19,800.17
Library Building Fund	\$40,558.44
Water Distribution & Storage Projects	\$795.00
Fire CPR	\$215.00

Resolution No. 2009-137-R declaring certain items as surplus and authorizing its sale through GovDeals

Acceptance of donations from the following individuals for the Madison Animal Rescue Foundation:

(1) Miscellaneous cash donation	\$1.05
(2) Neva Hunt	\$150.00
(3) Charles H. Smith	\$150.00
(4) Sandra G. Smith	\$150.00
(5) Joseph S. Pavlovec	\$150.00
(6) Hugh A. Hartwig	\$150.00
(7) Cornelia Welch Watson	\$20.00
(8) Alyson R. Mortier	\$50.00

(9) Brian K. Widgren \$75.00

Acceptance of donation of \$50.00 from Deborah A. Hinton for brick project for the handicap accessible playground

Approval of payment of to JW Kennedy for construction staking on Balch Road Extension (to be paid from Capital Improvement Budget) \$1,615.00

Approval of payment to Tecorp, Inc. for black out sign at Madison Blvd and Intergraph Way (to be paid from Gas Tax Funds) \$4,271.00

Approval of payment to Tecorp, Inc. for loop wire sealant at Zierdt Road and Madison Blvd. (to be paid from Capital Improvement Budget) \$1,352.40

Approval of payment to Skipper Consulting, Inc. for professional services related to Major Street Plan (to be paid from Departmental Budget) \$2,800.00

Approval of partial payment to Reed Contracting Services, Inc. for Eastview Drive Extension Project 07-047 (to be paid from Capital Improvement Budget) \$232,975.02

Approval of payment to the following vendors for Capital Improvement Project – Balch Road Extension

(1) Vulcan Materials	\$28,331.90
(2) United Rentals	\$9,288.44
(3) Joe Money Machinery	\$1,650.00
(4) Corwin Equipment Co.	\$3,228.00
(5) Fitcherd Farms LLC.	\$9,400.00
(6) Eagle Wholesale	\$7,437.20

Approval of payment to the following vendor for Capital Improvement Project – Mill Road Improvement: Vulcan Materials \$680.73

Approval of payment to JW Kennedy for surveying and certified plat in Champion Subdivision for Fire Station site (to be paid from Capital Improvement Budget) \$1,750.00

Approval of payment to Goodwyn, Mills, and Cawood, Inc. for professional services related to the Bradford Creek Greenway Phase 1 (Project # 05-018) (to be paid from Capital Improvement Budget) \$20,237.89

Resolution No. 2009-141-R approving travel advance for Officers Jonathan Muecke and Tim Portik to attend DUI/Traffic Safety Conference at Auburn University

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

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

Mayor Finley announced that CNN Money magazine has selected Madison as one of the top 100 best places to live in 2009. The city comes in at No. 49 as the highest

ranked Alabama city on the list. The towns are picked on the basis of great schools, affordable homes, low crime and general appeal.

As discussed at the last meeting, a committee meeting has been scheduled for July 22nd from 11:00 am to 1:00 pm to discuss Paradise Apartments and HUD situation.

Mayor Finley gave an update on the meeting that was held Thursday, July 9th, by the Alabama Department of Transportation on the I-565 and County Line Road interchange.

Mayor Finley announced that the City Attorney position vacancy has been posted.

Mayoral Aide Taylor Edge spoke about the new Sustainability Committee. This committee was initiated for Madison residents who want to be more environmentally responsible.

RESOLUTION NO. 2009-136-R ABATING PERMIT FEES FOR YMCA (UP TO \$100,000)

Council Member Haraway moved to approve Resolution No. 2009-136-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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

UPDATE FROM ENFINGER STEELE ON LAND APPRAISAL

Mr. Enfinger approached Council in a previous meeting about the City of Madison purchasing 16 acres of land on Palmer Road across from Palmer Park. Mr. Enfinger informed Council that the land appraised at a value of \$1.2 million. Council will make a determination at a later date.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

ACCEPTANCE OF LAUREN PRESERVE INTO THE CITY OF MADISON MAINTENANCE PROGRAM

Council Member Holcombe moved to approve acceptance of Lauren Preserve into the City of Madison Maintenance Program. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

PROPOSED ORDINANCE NO. 2009-145 AMENDING EXISTING PROVISIONS OF THE CITY CODE RELATING TO REGULATION OF GREASE TRAPS (FIRST READING)

Madison Utilities General Manager Ricky Pounders outlined for Council the changes that are being requested by the Water and Wastewater Board and why the changes are needed.

This was considered as the first reading of this proposed ordinance and no official action was taken.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

Absent

COUNCIL DISTRICT NO. 4 TIM COWLES

Absent

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

APPOINTMENT TO ZONING BOARD OF ADJUSTMENTS

Council Member Haraway moved to re-appoint Betty Fletcher to the Zoning Board of Adjustments Place 1. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

Council Member Haraway moved to appoint Troy Wesson to Supernumerary Place 1 and Ted Whitney to Supernumerary Place 2 to the Zoning Board of Adjustments. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

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

Motion carried.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

No business to report

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

No business to report.

PUBLIC HEARINGS

REQUEST FOR AN ON-PREMISE BEER WINE AND LIQUOR LICENSE FOR RC ENTERTAINMENT, INC. DOING BUSINESS AS THE STATION LOCATED AT 8694-J MADISON BLVD.

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

Council Member Haraway moved to approve request for an on-premise beer wine and liquor license for RC Entertainment (DBA: The Station). 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

DEPARTMENT REPORTS

RECREATION

ACCEPTANCE OF DONATION OF 2009 FORD E-450 26 PASSENGER VAN BY MADISON COUNTY COMMISSIONER FAYE DYER FOR USE BY THE RECREATION DEPARTMENT (VALUED AT \$56,000)

Council Member Haraway moved to accept the donation of a 2009 Ford E-450 passenger van from Faye Dyer for use by the Recreation Department. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

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

Motion carried.

RESOLUTION NO. 2009-139-R APPROVAL OF MEMORANDUM OF AGREEMENT WITH MADISON SOFTBALL ASSOCIATION

Council Member Haraway moved to approve Resolution No. 2009-139-R. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

II

RESOLUTION NO. 2009-138-R APPROVING A CONTRACT WITH CENTURYTEL FOR T-1 SERVICE (FROM DEPARTMENTAL BUDGET)

Council Member Haraway moved to approve Resolution No. 2009-138-R. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

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

Council Member Larry Vannoy Aye
Council Member Bill Holtzclaw Aye

Motion carried.

FIRE

RESOLUTION NO. 2009-140-R AWARDED BID # MFD-08-09 TO METRO COMMERCIAL CONTRACTING, LLC IN THE AMOUNT OF \$43,275 FOR THE INSTALLATION OF EXHAUST REMOVAL SYSTEMS IN FIRE STATIONS 1 AND 3 (FUNDING FROM ASSISTANCE TO FIREFIGHTERS GRANT)

Council Member Haraway moved to approve Resolution No. 2009-140-R. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

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

Motion carried.

At this point in the meeting, Mr. Rob Ostop from Clean Air Concepts, who had been absent during the Public Comments portion of the meeting appeared before Council. Mr. Ostop asked that Council reject all bids for Resolution No. 2009-140-R and re-open bidding.

ENGINEERING

RESOLUTION NO. 2009-143-R REQUEST TO EXECUTE CN AGREEMENT FOR PROJECT STMHV-8509, INTERSECTION IMPROVEMENTS AT CR-16 (WALL TRIANA HWY) AT SR-2 (US 72) INCLUDES WIDENING, RESURFACING, TURN LANES AND TRAFFIC SIGNAL MODIFICATIONS

Council Member Vannoy moved to approve Resolution No. 2009-143-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 Absent
Council Member Tim Cowles Absent
Council Member Tommy Overcash Aye
Council Member Larry Vannoy Aye
Council Member Bill Holtzclaw Aye

Motion carried.

RESOLUTION NO. 2009-144-R REQUEST TO EXECUTE PE AGREEMENT FOR PROJECT STMHV 8509, INTERSECTION IMPROVEMENTS AT CR-16 (WALL TRIANA HWY) AT SR-2 (US-72) INCLUDES WIDENING, RESURFACING, TURN LANES AND TRAFFIC MODIFICATIONS

Council Member Haraway moved to approve Resolution No. 2009-144-R. 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 Absent
Council Member Tim Cowles Absent
Council Member Tommy Overcash Aye
Council Member Larry Vannoy Aye
Council Member Bill Holtzclaw Aye

Motion carried.

RESOLUTION NO. 2009-146-R AWARDING BID NO. MED-14-09 FOR CONSTRUCTION OF BRADFORD CREEK GREENWAY PHASE I

Council Member Haraway moved to approve Resolution No. 2009-146-R contingent upon State approval. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

FINANCE

RESOLUTION NO. 2009-142-R AUTHORIZING CITY DEPARTMENTS TO PURCHASE FROM STATE CONTRACT #T190 FOR MULTI-FUNCTION NETWORK DEVICES

Council Member Haraway moved to approve Resolution No. 2009-142-RG. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

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

Motion carried.

LEGAL

LEGAL ACTION

PROPOSED ORDINANCE NO. 2009-111 ACCEPTING A UTILITY AND DRAINAGE EASEMENT ON LOTS 8, 10, 11, 12 AND 13 IN LAUREN PRESERVE (FIRST READING 6/8/09; ACTION TABLED: 6/22/09)

Council Member Vannoy moved to approve Proposed Ordinance No. 2009-111. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-112 ACCEPTING A PEDESTRIAN RIGHT-OF-WAY ON LOT 16 OF LAUREN PRESERVE (FIRST READING 6/8/09; ACTION TABLED: 6/22/09)

Council Member Vannoy moved to approve Proposed Ordinance No. 2009-112.
Council Member Holtzclaw seconded. The vote taken was recorded as follows:

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

Motion carried.

PROPOSED ORDINANCE NO. 2009-113 ACCEPTING UTILITY AND DRAINAGE EASEMENT ON LOT 16 OF LAUREN PRESERVE (FIRST READING 6/8/09; ACTION TABLED: 6/22/09)

Council Member Vannoy moved to approve Proposed Ordinance No. 2009-113.
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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-127 ACCEPTING A RIGHT-OF-WAY FROM THE CITY OF MADISON BOARD OF EDUCATION (FIRST READING 6/22/09)

Council Member Vannoy moved to approve Proposed Ordinance No. 2009-127.
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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-135-R AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH MADISON ANIMAL RESCUE FOUNDATION FOR RENOVATION OF ANIMAL CONTROL FACILITY

Council Member Haraway moved to approve Resolution No. 2009-135-R. 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS ADJOURNMENT

Having no further business to discuss, Council Member Vannoy 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	Absent
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

The meeting was adjourned at 8:10 p.m.

Signatures on following page.

Minutes No. 2009-15-RG, dated July 13, 2009, read, approved and adopted this 27th day of July, 2009.

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 President Tommy Overcash
District Five

Council Member Larry Vannoy
District Six

Council Member Bill Holtzclaw
District Seven

Concur:

Paul Finley
Mayor

Attest:

Melanie A. Williard
City Clerk-Treasurer

Lisa Berry
Recording Secretary