

MINUTES NO. 2009-06-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF MADISON, ALABAMA
MARCH 23, 2009

The Madison City Council met in regular session on Monday, March 23, 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 6:00 p.m. by Council President Tommy Overcash.

Pastor David Howard of CrossPointe Church provided the invocation followed by the Pledge of Allegiance led by Council President Tommy Overcash.

With Council consensus, the following changes were made to this evening's agenda:

AMMENDMENTS TO AGENDA

DELETIONS:

Larry Smith, address Council regarding Historic District under Public Comments

ADDITIONS:

Resolution No. 2009-73-R Authorizing the Mayor to enter into an agreement with CivicPlus for website design in the amount not to exceed \$40,625 under Mayor's Presentation of Reports.

Acceptance of property in connection with the Eastview Extension Project under Engineering's line of business:

Proposed Ordinance No. 2009-74 – Comer V. McCaulley
Proposed Ordinance No. 2009-75 – Larry A. McCaulley
Proposed Ordinance No. 2009-76 - Cora S. McCaulley

The roll call of elected governing officials was conducted by City Clerk-Treasurer Melanie A. Williard and recorded as follows:

ELECTED GOVERNING OFFICIALS IN ATTENDANCE

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

Also in attendance were: City Clerk-Treasurer Melanie A. Williard, Assistant City Clerk-Treasurer Stacy A. Gilley, City Clerk-Treasurer Administrative Assistant Lisa Berry, City Engineer Gary Chynoweth, City Attorney Anne-Marie Lacy, Finance Director Lillie Causey, Mayoral Aide Taylor Edge, Fire Chief Ralph Cobb, Parks & Recreation Director Mike Cassell, Revenue Officer Cameron Grounds, Human Resources Director Teri Towry, Systems Analyst Chris White, and Acting Police Chief Lee Weaver.

Public Attendance registered: Stan Steadman, Cindy Sensenberger, Virgus & Leola Holman, Marcus Adams, Don Palmer, Tim Doherty, Franklin Riddick, Taniel Stewart, Vinie Carter, Tanya Green, Sherry Erskine, Colon Erskine, Don Webster, Charles Eye, Barbara Stewart, Larry Anderson, Alison Callahan, Eric Broyles, W.C. Fuller, Maxine V. Phillips, Linda M. Long, Patricia Eye, Ed Collins, Bebe Oetjen, Joe Gehrdes, Michael Pakruder, Dawn Johnson, Ben Johnson, Ron Johnson, Steve Wilkerson, Dave Jernigan, L.D. Smith, Pastor Reginald Johnson, Pastor Woodrow Kelly, Christopher R. Seay, Larry M. Stickles, Colleen Murch, K. Fernandez, Carlos Fernandez, Jeanne Steadman, Ronica Ondoesin, Paige Norton, and Jim Norton.

APPROVAL OF MINUTES

MINUTES NO. 2009-05-RG, MARCH 9, 2009

Council Member Jennings moved to approve Minutes No. 2009-05-RG as amended. 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATIONS AND AWARDS

PRESENTATION OF CERTIFICATES TO THE BOB JONES HIGH SCHOOL GIRLS BASKETBALL TEAM

Certificates were presented to the Coaches and team members of the Bob Jones High School Girls Basketball Team who are State Champions for the second time in a row.

PUBLIC COMMENTS

DON PALMER, ADDRESS COUNCIL REGARDING SCHOOL REZONING AND HOW IT CONNECTS TO CITY HALL

Don Palmer, a resident of Madison appeared before Council to address the population growth in Madison and how it impacts the school system. Mr. Palmer suggested that Council consider charging development impact fees.

Larry Stickles of Windsor Park addressed Council regarding retention of recordings of Council Meetings. He also suggested revising the Action Item list to include the status of each item and a summary of the response by the City Council.

Ed Collins of 303 Crownridge Drive, appeared before Council to again address the retention of recordings of the City Council Meetings.

Chris, (no last name given) of 307 Maplewood Drive, appeared before Council to discuss his arrest and the circumstances surrounding the arrest. City Attorney Anne-Marie Lacy will research this matter.

Christopher Seay, of 318 Pension Row appeared before Council speaking on behalf of Little Shiloh Primitive Baptist Church. He stated that the Church does not want to be added to the Historic District of Madison.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

Regular and Periodic Bills to be paid

General Operating Account	\$276,667.80
Gasoline Tax and Petroleum Inspection Fees	\$19,218.41
Series 2006 Bond Checking	\$614,819.00
Library Building Fund	\$2,791.55
Municipal Government Capital Improvement	\$4,937.60
Fire CPR	\$40.00

Resolution No. 2009-70-R declaring certain city property (computer equipment) used by the Police Department as surplus and authorizing that it be sold on GovDeals

Acceptance of donation in the amount of \$500 from Richard Mason to be used by the Senior Center (to be deposited into the Recreation Donation Account)
Approval of transfer of \$5,000 donation from Madison County Commissioner Dale Strong for Dublin concession stand project to YMCA

Approval of payment to JC Cheek for temporary striping on Mill Road (to be paid from Capital Improvement budget) \$6,810.55

Approval of payment to Goodwyn Mills and Cawood, Inc for Preliminary engineering for Wall Triana between Gooch Lane And Gillespie Road (to be paid from Capital Improvement budget) \$4,300.00

Approval of payment to Goodwyn Mills and Cawood, Inc. for Professional services for Browns Ferry Road drainage Improvement project (to be paid from Capital Improvement budget) \$3,920.00

Approval of payment to Gerald Martin Surveys, Inc. for easement Survey on Clift property for the Homestead Drainage Improvement Project (to be paid from Capital Improvement budget) \$750.00

Approval of payment to Temple Electric Company, Inc. for traffic Signal installation at County Line and Palmer Road (to be paid from Capital Improvement budget) \$68,400.00

Approval of payment to Wilmer & Lee for legal services related To the Bradford Creek Greenway Phase I project (to be paid from Capital Improvement budget) \$890.31

Approval of payment to Port City Pipe for manhole risers for Mill Road project (to be paid from Capital Improvement budget) \$1,166.67

Approval of payment to GIS, Inc. for implementation related to the GIS program (to be paid from department budget) \$23,092.40

Approval of payment to Reed Contracting for paving of Intergraph Way (to be paid from Gas Tax funds) \$55,700.59

Approval of payment to Osborn & Associates for services Provided on the Senior Center Expansion Project (to be paid From Special Revenue fund) \$3,749.90

Approval of payment to the following vendors for materials and/or Services supplied to the Mill Road Widening Project: (to be paid From Capital Improvement budget)

(1)	Joe Money Machinery	\$2,650.00
(2)	United Rental	\$279.19
(3)	Vulcan Materials	\$11,095.61

Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

RESOLUTION NO. 2009-73-R AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CIVICPLUS FOR WEBSITE DESIGN IN AN AMOUNT NOT TO EXCEED \$40,625.

Council Member Jennings moved to approve Resolution No. 2009-73-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

UPDATE REGARDING EXCESSIVE TRASH ISSUE

Mayor Finley gave an update regarding excessive trash pickup. Clay Baker, Acting Public Works Director, appeared before Council and advised that Public Works has another test run to do starting March 30th. They will then come back before Council to let them know how the process is working. Council will then consider any modifications needed to the trash collection ordinance.

Mayor Finley also announced that they have been doing interviews in the last couple of weeks for Police Chief, Public Works Director, and Economic Development Coordinator. They have narrowed it down to three candidates for Public Works Director, and two for Economic Development Coordinator. Police Chief interviews have gone well and Council will interview the final candidates for Police Chief.

Mayor Finley will be going to Washington, DC on March 24th with Mayor Battle and Chairman Gillespie to meet with the area Senator and Representatives to discuss what Madison needs to support the Arsenal and BRAC move and road projects.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

Council Member Holcombe informed that the voting on Historic District boundaries is postponed to a later date. The next meeting of the Historic Preservation Committee will be on Wednesday, April 8, 2009.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

No business to report

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

No business to report

COUNCIL DISTRICT NO. 4 TIM COWLES

Absent

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

No business to report

COUNCIL DISTRICT NO. 6 LARRY VANNOY

Absent

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

Council Member Holtzclaw announced that the Knockout Rose Sale hosted by the Beautification/Tree Board will be held on April 18th in the parking lot of Dr. Hatcher’s office on Hughes Road from 8:00 a.m. to 1:00 p.m.

Huntsville Utilities began their tree trimming survey on the 16th of March. They are looking through the city to see what trees could interfere with power lines. They will leave a flyer at the resident’s door to let them know their tree needs trimming or in some cases removed. They will also schedule a town meeting where residents can discuss this matter.

Lastly, Council Member Holtzclaw reported that the School Board has released a new revised proposed school zoning plan that is posted on the School system’s website.

PUBLIC HEARINGS

REQUEST FOR ON-PREMISE BEER/WINE/LIQUOR LICENSE FROM CHAPALA, LLC (DBA: CHAPALA AUTHENTIC MEXICAN RESTAURANT) FOR THEIR LOCATION AT 12090-H COUNTY LINE ROAD

Council President Overcash opened the public hearing for comments regarding the request for an on-premise beer/wine/liquor license from Chapala, LLC; there being none, he then closed the public hearing.

Council Member Jennings moved to consent to the issuance an on-premise beer/wine/liquor license for Chapala, LLC (DBA: Chapala Authentic Mexican Restaurant) for their location at 12090-H County Line Road. 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

DEPARTMENT REPORTS

RECREATION

RESOLUTION NO. 2009-69-R APPROVING THE RENEWAL OF A MAINTENANCE AGREEMENT FOR SCOREBOARD REPAIRS WITH SCOREBOARD SALES & SERVICE (FUNDING FROM DEPARTMENTAL BUDGET)

Council Member Jennings moved to approve Resolution No. 2009-69-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

FINANCE

RESOLUTION NO. 2009-68-R AWARDDING BID NO. MPD-07-09 TO BROOKS POLICE AND FIRE SUPPLY FOR THE PURCHASE OF UNIFORMS FOR THE MADISON POLICE DEPARTMENT (FUNDING FROM DEPARTMENTAL BUDGET)

Council Member Jennings moved to approve Resolution No. 2009-68-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

APPROVAL TO REJECT ALL BIDS RECEIVED FOR BID NO. MRD-06-09 FOR PALMER PARK ACCESSIBLE PLAYGROUND PROJECT AND APPROVAL TO REBID THE PROJECT

Council Member Jennings moved to reject all bids received for Bid No. MRD-06-09 and approved rebidding the project. 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

ENGINEERING

**ACCEPTANCE OF PROPERTY IN CONNECTION WITH THE EASTVIEW
EXTENSION PROJECT**

PROPOSED ORDINANCE NO. 2009-74 – COMER V. MCCAULLEY

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-74. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

Council Member Haraway moved to adopt Ordinance No. 2009-74. Council Member Jennings seconded. The vote taken was recorded as follows:

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

Motion carried.

PROPOSED ORDINANCE NO. 2009-75 – LARRY A MCCAULLEY

Council Member Haraway moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-75. Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Motion carried.

Council Member Haraway moved to adopt Ordinance No. 2009-75. 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-76 – CORA S. MCCAULLEY

Council Member Haraway moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-76. Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Motion carried.

Council Member Haraway moved to adopt Ordinance No. 2009-76. Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Motion carried.

LEGAL

LEGAL ACTION ITEMS

PROPOSED ORDINANCE NO. 2009-57 THE ANNEXATION OF CERTAIN PROPERTY OWNED BY KEITH MCMUNN LOCATED AT 103 CAROL DRIVE (FIRST READING 03/09/2009)

Council Member Jennings moved to adopt Ordinance No. 2009-57. Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Motion carried.

FIRST READINGS

PROPOSED ORDINANCE NO. 2009-55 ACCEPTING 5' PEDESTRIAN ACCESS EASEMENTS IN FOXFIELD SUBDIVISION FROM FOXFIELD DEVELOPMENT, LLC

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-55. Council Member Holcombe seconded. The vote taken was recorded as follows:

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

Council Member Larry Vannoy Absent
Council Member Bill Holtzclaw Aye

Motion carried.

Council Member Haraway moved to adopt Ordinance No. 2009-55. Council Member Jennings seconded. The vote taken was recorded as follows:

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

Motion carried.

PROPOSED ORDINANCE NO. 2009-56 ACCEPTING 5' PEDESTRIAN ACCESS EASEMENTS IN FOXFIELD SUBDIVISION FROM DILTINA DEVELOPMENT CORP.

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-56. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

Council Member Jennings moved to adopt Ordinance No. 2009-56. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

PROPOSED ORDINANCE NO. 2009-71 VACATION OF EASEMENT FROM JOSEPH & CORRIE COOLEY TO BUILD GARAGE (388 CLYDEBANK DRIVE)

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-71. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

Council Member Jennings moved to adopt Ordinance No. 2009-71. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

PROPOSED ORDINANCE NO. 2009-72 ACCEPTING PROPERTY FROM PO & JULIE HENG FOR BRADFORD CREEK GREENWAY PROJECT

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-72. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

Council Member Jennings moved to adopt Ordinance No. 2009-72. 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	Aye
Council Member Tim Cowles	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

None

ADJOURNMENT

Council Member Holtzclaw moved to adjourn. The vote taken was recorded as follows:

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

Motion carried.

The meeting was adjourned at 7:28 p.m.

Minutes No. 2009-06-RG, dated March 23, 2009, read, approved and adopted this 13th day of April, 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