

**MINUTES NO. 2009-05-RG**  
**OF A**  
**REGULAR MEETING**  
**OF THE CITY COUNCIL OF THE**  
**CITY OF MADISON, ALABAMA**  
**MARCH 9, 2009**

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The Madison City Council met in regular session on Monday, March 9, 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 6:04 p.m. by Council President Tommy Overcash.

Pastor Bill Boruff of Madison Baptist Church provided the invocation followed by the Pledge of Allegiance led by Council Member Holcombe.

**AMMENDMENTS TO AGENDA**

**ADDITIONS**

❖ Approval of payment to the following individuals for right-of-way for the Eastview Extension project (to be paid from Capital Improvement budget) under Consent Agenda:

Comer McCaulley	\$90,160.00
Cora McCaulley	\$30,090.00
Larry McCaulley	\$81,600.00

❖ Proposed Ordinance No. 2009-66 an ordinance of the City of Madison authorizing emergency repairs pursuant to Section 11-53b-15, Code of Alabama, for the unfinished structure at 117 Rainbow Glen Circle under Planning and Building's line of business.

**ELECTED GOVERNING OFFICIALS IN ATTENDANCE**

The 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	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, Mayoral Aide Taylor Edge, Fire Chief Ralph Cobb, Assistant Finance Roger Bellomy, Municipal Court Magistrate Beth Bellomy, Parks & Recreation Director Mike Cassell, Revenue Officer Cameron Grounds, Human Resources Director Teri Towry, City Planner Bob Atallo, Engineering Technician Keith Conville, and Acting Police Chief Lee Weaver.

Public Attendance registered: Joe Gehrdes, Jim Chamberlain, Trudi Beard, Ed Collins, Cana Farr, Ricky Robinson, Dave Jernigan, Mary Moreillon, Robin Elliot, Eddie C. Williams, Claudia Rice, Nat Berry, Maria Kilgore, Barry Pendergraf, Keith Bledsoe, Cyndi Bledsoe, Frank H. Rikkick, Lee A. Weaver, Jon Howell, Alison Callahan, Elsie Brown, Charlie Brown, Daniel Benedict, Beth Newlin, Meng Wu, Don Palmer, Lizzie Palmer,

Cassandra Zeigler, Cary A. Hilton, William Fuller, Don Spencer, Jr., Alyxandra Benedict, and one illegible signature.

**APPROVAL OF MINUTES**

**MINUTES NO. 2009-04-RG, FEBRUARY 23, 2009**

Council Member Jennings moved to approve Minutes No. 2009-04-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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**PRESENTATIONS AND AWARDS**

**FAYE DYER – INDIAN CREEK GREENWAY**

Faye Dyer discussed Creekwood Park, a collaborative effort between Huntsville City, the City of Madison and Madison County District 2, to build a park located on the north edge of the Indian Creek Greenway. This park will serve over 33,000 households within a three mile radius.

**PUBLIC COMMENTS**

**NAT BERRY ADDRESS COUNCIL REGARDING RAINBOW MOUNTAIN PRESERVATION, ETC.**

Nat Berry appeared before Council to discuss a red cedar glade located on the Preserve. He expressed concern that the upcoming development on Rainbow Mountain would damage or destroy the glade. Mr. Berry explained that the red cedar glade is an endangered ecosystem in the forest and every effort should be made to save it.

Council President Overcash stated that this would be brought up for discussion at the next Planning & Zoning Meeting on the 19<sup>th</sup>.

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

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

General Operating Account	\$888,294.18
Gasoline Tax and Petroleum Inspection Fees	\$55,061.76
Forward Purchase Account	\$1,492.07
Series 2006 Bond Checking	\$20,333.71
Subdivision Cash Bond Account	\$41,000.00
Library Building Fund	\$1,926.84
Fire CPR	\$49.98

Resolution No. 2009-59-R declaring certain city property as surplus and authorizing its disposal through GovDeals

Resolution No. 2009-60-R declaring certain city property as surplus and of negligible value and authorizing its disposal

Approval of payment to Osborn & Associates Architects for services Provided on the following projects (to be paid from Special Revenue Account and Capital Improvement budget):

(1)	Senior Center Expansion	\$4,937.60
(2)	Police Department Addition	\$13,125.00

Approval of payment to Osborn & Associates Architects for services Provided for the Palmer Park project (to be paid from departmental Budget) \$2,395.00

Approval of payment to Tracy Brewer for bridge inspections (to be Paid from departmental budget) \$10,050.00

Approval of payment to Neel Schaffer for professional services Related to bridge replacement (to be paid from Capital Improvement budget) \$7,500.00

Approval of payment to JW Kennedy for setting grades and offsets For Mill Road project (to be paid from Capital Improvement budget) \$760.00

Approval of payment to Skipper Consulting, Inc. for work completed On major street plan (to be paid from departmental budget) \$3,150.00

Resolution No. 2009-13-R authorizing the disposal or destruction of certain City Clerk-Treasurer and Municipal Court Department records

Resolution No. 2009-14-R authorizing the disposal or destruction of certain Fire & Rescue Department records

Resolution No. 2009-17-R authorizing the disposal or destruction of certain Police Department records

Acceptance of donation in the amount of \$50.00 from Shirley Spaulding for use by the Senior Center (to be deposited into the Recreation Donation Account)

Approval of payment to the following vendors for materials and/or Services provided for the Mill Road project (to be paid from Capital Improvement budget):

(1)	HD Supply Waterworks	\$36.57
(2)	Joe Money Machinery	\$1985.00
(3)	United Rentals	\$150.70
(4)	Vulcan Materials	\$4,471.48

Approval of payment to the following vendors for materials and/or Services provided for the Balch Road Extension project (to be paid From Capital Improvement budget):

(1)	RSC Equipment Rental	\$576.69
(2)	Vulcan Materials	\$1,194.32

Approval of payment to Reed Contracting Services for services Provided for the Mill Road Paving project (to be paid from Capital Improvement budget) \$383,025.48

Approval of payment to the following individuals for right-of-way for the Eastview Extension project (to be paid from Capital Improvement budget) under Consent Agenda:

Comer McCaulley	\$90,160.00
Cora McCaulley	\$30,090.00
Larry McCaulley	\$81,600.00

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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

## **PRESENTATION OF REPORTS**

### **MAYOR PAUL FINLEY**

#### **PROPOSED ORDINANCE NO. 2009-61 CREATING AND ESTABLISHING A DISABILITY BOARD AND ESTABLISHING QUALIFICATIONS AND ELIGIBILITY OF BOARD MEMBERS; PROVIDING FOR THE POWERS AND DUTIES OF SUCH BOARD MEMBERS; ESTABLISHING A TIME AND PLACE FOR ORGANIZATIONAL AND OTHER MEETINGS; PROVIDING FOR APPROPRIATIONS AND FUNDING FOR SAID BOARD, AND OTHER MISCELLANEOUS PROVISIONS (FIRST READING)**

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-61. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

Council Member Jennings moved to adopt Ordinance No. 2009-61. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

#### **RESOLUTION NO. 2009-54-R AUTHORIZING THE MAYOR TO SIGN PALMER PARK AGREEMENT**

Council Member Jennings moved to approve Resolution No. 2009-54-R authorizing the Mayor to sign Palmer Park agreement. 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	Absent

Council Member Bill Holtzclaw

Aye

Motion carried.

**VOTING DELEGATE FOR ALABAMA LEAGUE OF MUNICIPALITIES**

Council Member Haraway moved to designate Mayor Finley to be the voting delegate for Alabama League of Municipalities annual conference. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**RED CROSS PROCLAMATION**

Mayor Finley read a Proclamation declaring March to be American Red Cross Month and presented the Proclamation to representatives of the Red Cross.

**RESOLUTION NO. 2009-58-R AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH ALABAMA LAND TRUST FOR THE ANNUAL APPROPRIATION (TO BE PAID FROM DEPARTMENTAL BUDGET)**

Council Member Jennings moved to approve Resolution No. 2009-58-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

**MADISON STATION HISTORIC PRESERVATION COMMISSION UPDATE**

Council Member Holcombe shared updates of the meeting held on Wednesday, March 4<sup>th</sup>. The Commission adopted by-laws and the architectural guidelines were approved. There will be a public hearing Tuesday, March 10<sup>th</sup> in Council Chambers regarding new historic district boundaries. Boundaries will be brought before Council at the March 23 City Council Meeting for formal Council approval.

**COUNCIL DISTRICT NO. 2 STEVE HARAWAY**

No business to report.

**COUNCIL DISTRICT NO. 3 JERRY JENNINGS**

**DISCUSSION OF DOCUMENTATION DISTRIBUTED AT COUNCIL MEETINGS**

Council Member Jennings asked for clarification on City Clerk practices for retention of handouts that are distributed during the Council meetings. He was advised that the City Clerk does retain a copy of the handouts if they are able to obtain one. Mayor Finley suggested that from this time forward anyone who gives a presentation be

requested to have at least 10 copies to ensure that the City Clerk's office has a copy for retention.

Ed Collins of 303 Crownridge Drive expressed concerns about the short retention time afforded to City Council meeting recordings. He noted the brevity of minutes contents and possible need for subsequent council member review when questions arise. He also mentioned several previous complaints from Madison residents about the lack of recording availability and quick destruction policy recommending a change in policy.

**COUNCIL DISTRICT NO. 4 TIM COWLES**

No business to report.

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

**ACTION ITEM LIST REVIEW**

Council President Overcash reviewed and updated the action item list. He also announced that the public would be included in the final Police Chief interviews with certain restrictions.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

Absent

**COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW**

Council Member Holtzclaw announced an opening on the School Board, and that applications will be accepted through March 31<sup>st</sup>. He also advised that information regarding the new school zones is available on the school's website. There will be a public hearing regarding this issue on March 12<sup>th</sup> at Bob Jones High School.

Human Resources Director Teri Towry advised Council of the Worker's Compensation Renewal Credit and asked that Council accept the renewal credit and authorize the disbursement of safety award in the amount of \$40.00 to eligible city employees.

Council Member Holtzclaw moved to accept the Worker's Compensation Renewal Credit and authorize the safety award distribution in the amount of \$40.00 to eligible city employees as soon as practicable. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**PUBLIC HEARINGS**

**REQUEST FROM CK STORE, INC. (DBA: CK STORE, INC.) FOR AN OFF-PREMISE BEER/WINE LICENSE FOR THEIR LOCATION AT 7850 HIGHWAY 72 WEST, MADISON**

Revenue Officer Cameron Grounds advised Council that all necessary signatures have been received from the necessary department and all paperwork is in order.

Council President Overcash opened the public hearing for comments from the public. There being none, he closed the public hearing.

Council Member Cowles moved to consent to the issuance of an off-premise beer/wine license to CK Store, Inc. for their location at 7850 Highway 72 West. Council Member Jennings seconded. The vote taken was recorded as follows:

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

Motion carried.

**PROPOSED ORDINANCE NO. 2009-35 REZONING CERTAIN PROPERTY LOCATED WEST OF LANDERS ROAD AND NORTHEAST OF BROWN'S FERRY ROAD FROM AG TO R-3A AS REQUESTED BY J.C. ROADRUNNER, INC. (FIRST READING 02/09/2009)**

Council President Overcash opened the public hearing for comments from the public regarding this proposed rezoning. There being no comments from the public, he closed public hearing.

Council Member Cowles moved to adopt Ordinance No. 2009-35. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2009-37 REZONING CERTAIN PROPERTY LOCATED SOUTH OF HENDERSON CIRCLE, WEST OF OLD OVERTON ROAD AND EAST OF HENDERSON LANE FROM AG TO R-3A AS REQUESTED BY HUNTSVILLE ENTERPRISES (FIRST READING 02/09/2009)**

Council President Overcash opened the public hearing for comments from the public regarding this proposed rezoning. There being none, he then closed the public hearing.

Council Member Haraway moved to approve Ordinance No. 2009-37. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2009-39 REZONING CERTAIN PROPERTY LOCATED SOUTH OF HENDERSON CIRCLE, WEST OF OLD OVERTON ROAD AND EAST OF HENDERSON LANE FROM AG TO RZ AS REQUESTED BY HUNTSVILLE ENTERPRISES (FIRST READING 02/09/2009)**

Council President Overcash opened the public hearing for comments regarding this proposed rezoning.

Mike Callahan, a Madison resident, appeared before Council to suggest that the city have a plan in place before they zone more high densities.

There being no further comments, Council President Overcash closed the public hearing.

Council Member Jennings moved to approve Ordinance No. 2009-39. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**DEPARTMENT REPORTS**

**PLANNING/BUILDING**

**RESOLUTION NO. 2009-62-R SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2009-63 REZONING CERTAIN PROPERTY LOCATED SOUTHWEST OF I-565 AND WEST OF ZIERDT ROAD FROM AG TO R-4 AS REQUESTED BY OLD TOWN INVESTMENTS, LLC (FIRST PUBLICATION 03/13/2009; SYNOPSIS 03/20/2009; PUBLIC HEARING 04/13/2009)**

Council Member Jennings moved to approve Resolution No. 2009-62-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**ACCEPTANCE OF COTTAGES OF MADISON INTO THE CITY OF MADISON MAINTENANCE PROGRAM**

Council Member Jennings moved to accept Cottages of Madison into the City Maintenance Program. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2009-48 AMENDING THE BUILDING PERMIT FEE SCHEDULE (FIRST READING 02/23/2009)**

Council Member Cowles moved to approve Ordinance No. 2009-48. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**PROPOSED ORDINANCE NO. 2009-66 AN ORDINANCE OF THE CITY OF MADISON AUTHORIZING EMERGENCY REPAIRS PURSUANT TO SECTION 11-53B-15, CODE OF ALABAMA, FOR THE UNFINISHED STRUCTURE AT 117 RAINBOW GLEN CIRCLE**

Council Member Jennings moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-66. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

Council Member Jennings moved to approve Ordinance No. 2009-66. 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**FIRE**

**RESOLUTION NO. 2009-64-R AUTHORIZING THE MAYOR TO ENTER INTO A MESSAGING SERVICE AGREEMENT WITH CONTEXT CONNECT, LLC IN THE AMOUNT OF \$1,020 (TO BE PAID FROM DEPARTMENTAL BUDGET)**

Council Member Jennings moved to approve Resolution No. 2009-64-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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent

Council Member Bill Holtzclaw

Aye

Motion carried.

**RESOLUTION NO. 2009-65-R AUTHORIZING THE SUBMISSION OF GRANT APPLICATION FOR FUNDING OF PURCHASE OF FIRE INSPECTION HARDWARE AND SOFTWARE AND GENERAL FIRE PREVENTION EDUCATION (TOTAL AMOUNT \$40,170 – 10% MATCHING CITY FUNDS)**

Council Member Jennings moved to approve Resolution No. 2009-65-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**ENGINEERING**

**APPROVAL TO PURCHASE CERAMIC MARKERS FOR TRAFFIC CONTROL (\$5,312.50 TO BE PAID FROM GAS TAX FUNDS)**

**APPROVAL TO PURCHASE 8 PACKS OF 8" BY 8" EPOXY PADS FOR INSTALLATION OF CERAMIC MARKERS (\$1,241.60 TO BE PAID FROM GAS TAX FUNDS)**

Council Member Jennings moved to approve purchase of ceramic markers in the amount of \$5,312.50 for traffic control and to purchase epoxy pads for the installation of the markers in the amount of \$1,241.60 with both purchases to be paid from Gas Tax Funds. 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**APPROVAL TO PURCHASE 3 STREET LIGHTS FOR BALCH ROAD ILLUMINATION (\$6,137.84 TO BE PAID FROM GAS TAX FUNDS)**

Council Member Jennings moved to approve purchase of three street lights for Balch Road illumination in the amount of \$6,137.84 to be paid from Gas Tax Funds. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

**LEGAL**

**LEGAL ACTION ITEMS**

**UPDATE ON PENDING CITY LAWSUITS**

City Attorney Anne-Marie Lacy gave an update on pending city lawsuits: A boundary dispute on which the City had an easement was settled last week. A suit pending against the Board of Adjustments about a variance has not yet been ruled on by the judge. A suit by former employees of the Madison Chamber of Commerce regarding the alleged presence of mold in that building is currently in the discovery phase.

**FIRST READINGS**

**PROPOSED ORDINANCE NO. 2009-57 THE ANNEXATION OF CERTAIN PROPERTY OWNED BY KEITH MCMUNN LOCATED AT 103 CAROL DRIVE**

This was considered as the first reading with no official action taken by Council.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

No miscellaneous business was discussed at this time.

**ADJOURNMENT**

Council Member Haraway moved to adjourn. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

The meeting was adjourned at 8:00 p.m.

Signatures on following page:

Minutes No. 2009-05-RG, dated March 9, 2009, read, approved and adopted this 23<sup>rd</sup> day of March, 2009.

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Council Member Tim Holcombe  
District One

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Council Member Steve Haraway  
District Two

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Council Member Jerry Jennings  
District Three

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Council Member Tim Cowles  
District Four

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Council President Tommy Overcash  
District Five

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Council Member Larry Vannoy  
District Six

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Council Member Bill Holtzclaw  
District Seven

Concur:

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Paul Finley  
Mayor

Attest:

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Melanie A. Williard  
City Clerk-Treasurer

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Lisa Berry  
Recording Secretary