

**MINUTES NO. 2009-03-RG**  
**OF A**  
**REGULAR MEETING**  
**OF THE CITY COUNCIL OF**  
**THE CITY OF MADISON, ALABAMA**  
**FEBRUARY 9, 2009**

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

Pastor John Sayre with the Madison Assembly of God Church provided the invocation followed by Girl Scout Troop 631 leading the Pledge of Allegiance.

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

Also in attendance were: City Clerk-Treasurer Melanie A. Williard; Assistant City Clerk-Treasurer Stacy Gilley, Police Major Lee Weaver, Revenue Officer Cameron Grounds, Assistant Public Works Director Clay Baker, Finance Director Lillie Causey, Parks & Recreation Director Mike Cassell, City Planner Bob Atallo, Engineering Technician Keith Conville, City Attorney Anne-Marie Lacy, Aide to the Mayor Taylor Edge and Recording Secretary Kristen N Bruseth

Public Attendance registered: William M. Congo, Ricky Robinson, Brenda Armstrong, Kevin Armstrong, Jon Howell, Ed Collins, David Arterburn, Water & Wastewater Board General Manager Ricky Pounders, Steve Edwards, Opie Balch, Dave Jernigan, Donna Jones, Jenny McGaha, Garrick Merrill, Christopher R. Seay, Frank N. Riddick, David Cochran, Genevieve Hassler, Planning Commission Chairman Charlie Brown, Anthony Russell, Philip A. Lindeman, Adam Myers, Bruce Swanson, W.C. Fuller, Thomas Busley, Samuel Sandstrom, Lisa Scala

**APPROVAL OF MINUTES**

**MINUTES NO. 2009-02-RG; JANUARY 26, 2009**

Council Member Haraway moved to approve Minutes No. 2009-02-RG. 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  
Council Member Bill Holtzclaw

Abstain  
Aye

Motion carried.

**PRESENTATIONS AND AWARDS**

**GIRL SCOUT TROOP 631, RECYCLING PRESENTATION**

Members of Girl Scout Troop 631 appeared before Council requesting that the City begin a recycling program at all municipal buildings. Mayor Finley thanked the Troop for their informative presentation and stated that he will meet with the Troop, Recreation Director Mike Cassell and City Clerk Melanie Williard to further discuss the implementation of a recycling program in city-owned buildings.

**MAYOR PAUL FINLEY**

**RECOGNITION OF MADISON COUNTY COMMISSIONER DALE STRONG FOR HIS CONTINUING SUPPORT OF THE CITY OF MADISON**

Mayor Finley presented a Certificate of Recognition to Madison County Commissioner Dale Strong in appreciation for his continued support and generous contributions to the City of Madison.

In turn, Commissioner Strong presented a \$1,000 check to Mayor Finley to be used towards the baseball fields at Palmer Park. Council Member Vannoy moved to accept a donation in the amount of \$1,000 from Madison County Commissioner Dale Strong. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

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

General Operating Account	\$916,093.14
Gasoline Tax and Petroleum Inspection Fees	\$40,417.63
Series 2006 Bond Checking	\$34,388.00
Library Building Fund	\$2,402.97
Subdivision Cash Bond Account	\$5,750.00
Municipal Government Capital Improvement	\$3,675.00
Fire CPR	\$60.00

Resolution No. 2009-19-R; authorizing the disposal or destruction of certain Revenue Department records

Acceptance of donation of 2001 ambulance from HEMSI for use by the Police Department Special Response Team (approximate value \$5,000 - \$8,000)

Acceptance of donation in the amount of \$50 from Michael W. and Tanya M. Buckley in memory of Richard Terwillinger (to be deposited into Recreation Donation Account)

Resolution No. 2009-33-R; declaring an electric stove formerly used by the Police Department as surplus and authorizing its donation to the Asbury Thrift Store

Approval of payment to Osburn & Associates Architects for construction documents for the following projects (to be paid from Special Revenue Fund and Capital Improvement budget):

Police Department Addition	\$39,375.00
Senior Center Addition	\$9,187.50

Approval of payment to Goodwyn, Mills and Cawood, Inc. for professional services rendered for the Wall-Triana widening project (to be paid from Capital Improvement budget) \$4,300.00

Approval of payment to Goodwyn, Mills and Cawood, Inc. for professional services rendered for the Whisperwood drainage project (to be paid from Capital Improvement budget) \$8,014.00

Approval of payment to Goodwyn, Mills and Cawood, Inc. for professional services rendered for the Brownsferry north side drainage project (to be paid from Capital Improvement budget) \$4,830.00

Approval of payment to JW Kennedy for construction staking for Balch Road extension project (to be paid from Capital Improvement budget) \$475.00

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):

Alabama Concrete Company	\$238.00
Eagle Wholesale Supply	\$744.40
First Commercial Bank	\$49.00
Hanson	\$3,803.50
Joe Money Machinery	\$1,670.00
Thompson Cat Rental	\$249.40
Vulcan materials Company	\$3,014.39
United Rentals	\$2,194.99

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

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

Motion carried.

#### **PUBLIC COMMENTS**

##### **MR. DAVID ARTERBURN; TEMPORARY SIGNAGE**

Madison resident David Arterburn appeared before Council expressing the need for stronger city enforcement of the sign ordinance. He also requested feedback and/or status reports from the city in response to citizen web-based complaints.

##### **MR. ED COLLINS; INDIVIDUALS CONDUCTING BUSINESS WITHOUT A LICENSE**

Madison resident Ed Collins stated that he believes the community needs to take the initiative to notify the City whenever they are approached by someone selling in their neighborhoods.

#### **PRESENTATION OF REPORTS**

#### **MAYOR PAUL FINLEY**

#### **REPORT ON RECENT MEETING WITH REPRESENTATIVES WITH THE MENTAL HEALTH CENTER**

Mayor Finley met with representatives of the Mental Health Center last week. One of the topics discussed was the services they provide to the community; namely a center for youth and family specifically designed for outpatient counseling, case management, psychiatric testing, and school-based counseling. They accept Medicaid, private insurance and payment on a sliding fee scale.

#### **REPORT ON RECENT METROPOLITON PLANNING ORGANIZATION (MPO) MEETING**

Mayor Finley and City Planner Bob Atallo attended a meeting last week with members of the Federal Government and the MPO. After the meeting Mayor Finley and Mr. Atallo spoke directly with Huntsville Madison County Commissioner Gillespie and Huntsville Mayor Battle who are both very open about discussing the entire configuration of the plan and possible changes to the list.

#### **9-HOLE DISC GOLF COURSE AT DUBLIN PARK**

Mayor Finley yielded the floor to Recreation Director Mike Cassell. Mr. Cassell stated that the City will be installing a 9-hole disc golf course at Dublin Park, with the assistance of Mr. Lavon Wolfe. Mr. Wolfe is a certified course designer who has won over 40 disc golf titles.

#### **COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

#### **MADISON STATION HISTORIC PRESERVATION COMMISSION**

The Madison Station Historic Preservation Commission held their second meeting last week in which the bylaws and the establishment of district boundaries were discussed. The next meeting will be held Wednesday, February 18<sup>th</sup> at 6:00 p.m. in the Planning Department Conference Room.

#### **COUNCIL DISTRICT NO. 2 STEVE HARAWAY**

No business to report.

#### **COUNCIL DISTRICT NO. 3 JERRY JENNINGS**

#### **QUESTIONNAIRE REGARDING THE HANDLING OF CITY MONIES**

Council Member Jennings asked for an explanation on what the questionnaire is that was in Council's mailbox recently regarding city monies. Finance Director Lillie Causey explained that it is a part of the regular auditing process that the City's auditors would like to see enforced.

#### **COUNCIL DISTRICT NO. 4 TIM COWLES**

#### **RECOGNITION OF FINANCE DIRECTOR LILLIE CAUSEY**

Council Member Cowles complimented Mrs. Causey for the productive Finance Committee meeting last week. Mayor Finley agreed and added that he will meet with both Lillie and Revenue Officer Cameron Grounds soon to discuss being pro-active in regards to the six-month budget review.

#### **COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

**UPDATE ON DOG PARK PROJECT**

Council President Overcash stated that a preliminary list of requirements as well as a list of potential sites for a dog park has been compiled.

**ACTION ITEM LIST UPDATE**

Council President Overcash reviewed and updated the Council Action Item List, line by line.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

**RECOGNITION OF PARKS & RECREATION DEPARTMENT**

Council Member Vannoy thanked Recreation Director Mike Cassell and his staff for recent repairs made to the Kids Kingdom playground.

**COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW**

**BOB JONES HIGH SCHOOL DROPOUT RATES**

Council Member Holtzclaw informed Council that he received a report from School Superintendent Dee Fowler regarding last year's dropout rates at Bob Jones High School. Last year, Bob Jones High School had an 82.6% graduation rate which incidentally ranks them the third in the State.

**PUBLIC HEARINGS**

**PROPOSED ORDINANCE NO. 2009-06; RELATING TO ZONING; AMENDING THE SITE PLAN APPROVAL PROCESS IN THE ZONING ORDINANCE TO PROVIDE FOR STREAMLINED ADMINISTRATIVE REVIEW OF CERTAIN PROJECTS; CLARIFYING ADMINISTRATIVE PROCEDURES (FIRST READING 01/12/2009)**

City Planner Bob Atallo informed Council that this ordinance is a result of Mayor Finley's Business Friendly initiative in the city. He briefly reviewed the changes that the ordinance would make if approved by Council.

Council President Overcash opened the floor for public comments. Madison resident David Arterburn approached Council stating that he doesn't believe that shortcutting the process is in the best interest of the City. He expressed concern with incompatible zoning adjacent to residential zones and suggested that something be written into the Code to address that. Planning Commission Chairman Charlie Brown clarified a few statements made earlier; namely the review of site plans which are not done in a public hearing format. He also reminded everyone that the duty of the Planning Commission regarding site plans is simply to ensure that the applicant has met all of the City requirements.

There being no further public comments, Council President Overcash closed the floor. Council Member Haraway expressed concern with the issue of 10,000 square foot warehouse type buildings.

Council Member Cowles moved to adopt Ordinance No. 2009-06. Council Member Vannoy seconded. The vote taken was recorded as follows:

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

Motion carried.

**PROPOSED ORDINANCE NO. 2009-08; REZONING CERTAIN PROPERTY LOCATED WEST OF COUNTY LINE ROAD, SOUTH OF BROWNS FERRY ROAD AND NORTH OF BROWNS FERRY CROSSING SUBDIVISION FROM B-2 TO R-4 AS REQUESTED BY STAFFORD PROPERTIES, INC. (FIRST READING 01/12/2009)**

After City Planner Atallo reviewed the specifics of this rezoning request for Council and those in attendance. Then Council President Overcash opened the floor for public comments.

The following residents spoke either in favor or against this issue:

- William Congo
- Ed Collins
- David Arterburn
- David Cochran
- Garrick Merrill
- Brenda Armstrong
- Janet Kendrick
- Barbara Thompson
- Lisa Scala
- Philip Lindeman

Mr. Stephen Edwards, President and CEO of Stafford Properties, advised Council and those in attendance that they guarantee to the City that townhomes rather than apartments would be built on the site. He added that they would be willing to agree to what they have proposed this evening insofar as the townhomes would be limited to 136 units with 60% of the units having garages.

Mr. Nathan Metzger, also with Stafford Properties, answered questions Council had in regards to the square footage and anticipated demographics of the development.

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

Council Member Holtzclaw informed Council that in his December newsletter to residents of his district he asked what the consensus was regarding this rezoning request and reported that he did not receive favorable feedback.

Council Member Holcombe stated that although the site plan discussed tonight looks good assuming it is developed short-term, he has concerns that it might sit there another few years undeveloped and then Council shot themselves in the foot by rezoning it to residential versus leaving it commercial, especially with the recent announcement of the County Line Road and I-565 interchange.

Council Member Vannoy moved to adopt Ordinance No. 2009-08 as amended to include the following conditions: (1) no more than 136 units will be built (1) townhome style architecture and (3) at least 60% of the units will have indoor garages. 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	Aye
Council Member Bill Holtzclaw	Nay

Motion carried.

**DEPARTMENTAL REPORTS**

**PLANNING/BUILDING DEPARTMENT**

**RESOLUTION NO. 2009-34-R; SETTING A PUBLIC HEARING ON 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 JC ROADRUNNER, INC (FIRST PUBLICATION 02/13/09; SYNOPSIS 02/20/2009; PUBLIC HEARING 03/09/2009)**

Council Member Cowles moved to approve Resolution No. 2009-34-R. Council Member Jennings seconded. The vote taken was recorded as follows:

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

Motion carried.

**RESOLUTION NO. 2009-36-R; SETTING A PUBLIC HEARING ON 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 PUBLICATION 2/13/09; SYNOPSIS 2/20/09; PUBLIC HEARING 03/09/2009)**

Council Member Cowles moved to approve Resolution No. 2009-36-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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2009-38-R; SETTING A PUBLIC HEARING ON 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 PUBLICATION 2/13/2009; SYNOPSIS 2/20/2009; PUBLIC HEARING 03/09/2009)**

Council Member Cowles moved to approve Resolution No. 2009-38-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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**FINANCE DEPARTMENT**

**RESOLUTION NO. 2009-31-R; AUTHORIZING THE PURCHASE OF AGGREGATE FROM STATE BID NO. T119**

Council Member Jennings moved to approve Resolution No. 2008-31-R. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

#### **ENGINEERING DEPARTMENT**

##### **PROPOSED ORDINANCE NO. 2009-40; PROHIBITING PARKING ON A PORTION OF BRIDGEFIELD ROAD AT WALL-TRIANA HIGHWAY (FIRST READING)**

This was considered a first reading only no official action was taken by Council.

#### **LEGAL**

##### **LEGAL ACTION ITEMS**

##### **RESOLUTION NO. 2009-30-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SPATIAL NET, INC. FOR GPS TRACKING SERVICES FOR THE MADISON CITY SCHOOLS**

Council Member Cowles moved to approve Resolution No. 2009-30-R. Council Member Haraway seconded. The vote taken was recorded as follows:

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

Motion carried.

##### **RESOLUTION NO. 2009-41-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SKIPPER CONSULTING FOR CITY TRAFFIC STUDY IN CONNECTION WITH THE COMPREHENSIVE PLAN UPDATE**

Council Member Cowles moved to approve Resolution No. 2009-41-R. Council Member Haraway seconded.

Madison resident W.C. Fuller asked Council if this fits in connection with the Comprehensive Plan or is a part of the Blue Ribbon panel. City Planner Bob Atallo stated that a steering committee and several focus groups will be set up to work on preparing a Comprehensive Plan for the city. Most of the work will be done in-house; conservation, land-use, recreation and economic development but the City simply doesn't have the capabilities to prepare a traffic study. He anticipates the Comprehensive Plan being complete by the end of this fiscal year with the traffic study being complete in roughly four months.

The vote taken was recorded as follows:

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



Council Member Larry Vannoy Aye  
Council Member Bill Holtzclaw Aye

Motion carried.

**FIRST READINGS**

**PROPOSED ORDINANCE NO. 2009-32; REPEALING AND REPLACING  
ORDINANCE NO. 2008-313, PROHIBITING STANDING, STOPPING OR  
PARKING BETWEEN SIGNS ON HARTINGTON DRIVE**

Council Member Cowles moved to suspend the rules for immediate consideration of Ordinance No. 2009-32. Council Member Vannoy seconded. The vote taken was recorded as follows:

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

Motion carried.

Upon suspension of the rules, Council Member Haraway moved to adopt Ordinance No. 2009-32. Council Member Cowles seconded. The vote taken was recorded as follows:

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

Motion carried.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

None

**ADJOURNMENT**

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

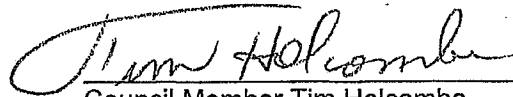
Council Member Tim Holcombe Aye  
Council Member Steve Haraway Aye  
Council Member Jerry Jennings Aye  
Council Member Tim Cowles Aye  
Council Member Tommy Overcash Aye  
Council Member Larry Vannoy Aye  
Council Member Bill Holtzclaw Aye

Motion carried.

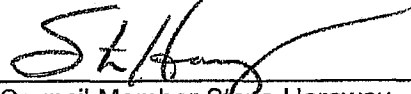
The meeting was adjourned at 8:49 p.m.

Signatures on following page.

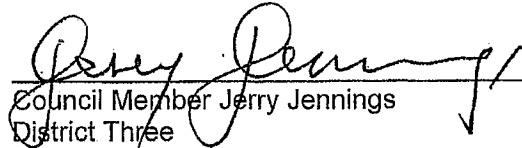
Minutes No. 2009-03-RG, dated February 9, 2009, read, approved and adopted this 23rd day of February 2009.



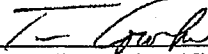
Council Member Tim Holcombe  
District One



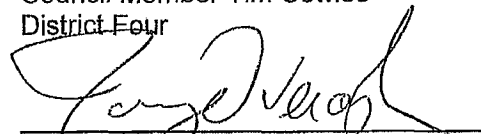
Council Member Steve Haraway  
District Two



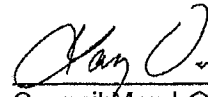
Council Member Jerry Jennings  
District Three



Council Member Tim Cowles  
District Four



Council Member Tommy Overcash  
District Five

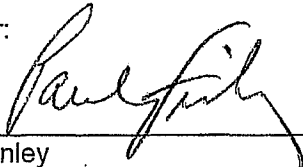


Council Member Larry Vannoy  
District Six



Council Member Bill Holtzclaw  
District Seven

Concur:

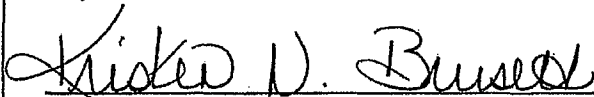


Paul Finley  
Mayor

Attest:



Melanie A. Williard  
City Clerk-Treasurer



Kristen N. Bruseth  
Recording Secretary