



MINUTES NO. 2018-14-RG
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF MADISON, ALABAMA
JULY 9, 2018

The Madison City Council met in regular session on Monday July 9, 2018 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 Overcash.

Pastor Josh Hudson of Restoration Church provided the invocation followed by the Pledge of Allegiance led by Council President Overcash.

ROLL CALL OF ELECTED GOVERNING OFFICIALS

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 Maura Wroblewski	Present
Council District No. 2 Steve Smith	Present
Council District No. 3 Teddy Powell	Present
Council District No. 4 Greg Shaw	Present
Council District No. 5 Tommy Overcash	Present
Council District No. 6 Gerald Clark	Present
Council District No. 7 John Seifert	Present

Also in attendance were: City Clerk Treasurer Melanie A. Williard, City Attorney Megan Zingarelli, Police Chief Dave Jernigan, City Administrator Marc Jacobson, Deputy City Clerk Treasurer Lisa Thomas, Finance Director Roger Bellomy, Director of Development Services Mary Beth Broeren, Human Resource Director Terri Towry, Public Works Director Kent Smith, IT Director Jason Colee, Engineering Director Gary Chynoweth, Louis Ferrier (Board Of Education), Communications Specialist Samantha Magnuson, and Recreation Director Kory Alfred.

Public Attendance Registered: BeBe Oetjen, Debbie Overcash, Sonya Tinsley, Henrietta King, Jon Howell, Sarah Sledge, Pam Honeycutt, Steve Perry, Cheryl Emich, John Emich, Hanu Karlapalem, and several illegible signatures.

CHANGES TO AGENDA:

Move the following from Consent Agenda to Presentations and Awards:

DONATIONS:

Accept a donation of \$9,123.12 from the American Society for Industrial Security (ASIS) International for communications equipment for the SWAT team

APPROVAL OF MINUTES

MINUTES NO. 2018-08-WS, JUNE 20, 2018

Council Member Smith moved to approve Minutes No. 2018-08-WS. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

MINUTES NO. 2018-13-RG, JUNE 25, 2018

Council Member Wroblewski moved to approve Minutes No. 2018-13-RG. Council Member Seifert seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PRESENTATION AND AWARDS

DEBBIE OVERCASH, BICENTENNIAL COMMITTEE UPDATE

Debbie Overcash gave a brief update of the activities of the committee, she stated that they are including a Christmas tour of historic homes and will be sponsoring at least one activity a month. In addition, she announced they were awarded a \$2,500.00 grant from the Alabama State Bicentennial Foundation.

MADISON DOLPHINS SWIM TEAM PRESENTATION IN CONNECTION WITH ITS FACILITIES USE AGREEMENT

Henrietta King, President of the Madison Dolphins Swim Team, provided a presentation to Council in connection with the facilities use agreement and gave an overview of the organization's activities

MADISON CITY VOLLEYBALL PRESENTATION IN CONNECTION WITH ITS FACILITIES USE AGREEMENT

Postponed until the June 23 City Council Meeting.

ACCEPT A DONATION OF \$9,123.12 FROM THE AMERICAN SOCIETY FOR INDUSTRIAL SECURITY (ASIS) INTERNATIONAL FOR COMMUNICATIONS EQUIPMENT FOR THE SWAT TEAM

Police Chief Jernigan, introduced representatives of ASIS who were in attendance and they presented a donation for \$9,123.12 to the SWAT team of the City of Madison. Chief Jernigan gave a brief description of the organization and their responsibilities.

A round of applause was given.

PUBLIC COMMENTS

None previously scheduled and no comments from those in attendance.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$1,081,858.91
Special General Operating Accounts	\$1,253.37
ADEM Storm Drainage	\$4,810.27

½ Cent Infrastructure	\$98.55
Gasoline Tax and Petroleum Inspection Fees	\$14,883.92
Street Repair and Maintenance	\$406.62
2013 and 2015 Bond Checking	\$1,282.50
Library Building Fund	\$1,437.04
Water Distribution and Storage	\$76,861.00

Approval of final payment in the amount of \$71,150.00 to Miller & Miller, Inc. for work completed on Project 17-019 bridge over Moore's Branch. {to be paid from 2013-A Bond Account}

Approval of payment for Invoice #180086-04 on PO #2018-805 in the amount of \$35,000.00 to Turner Construction Company for pre-construction services phase - Resolution 2018-77-R {to be paid from 2018 Multi-Use Venue Bond}

Resolution No.2018-210-R authorizing the purchase of fertilizers, herbicides, & pesticides from NACPA Bid No.18-01

Approval of final payment to OMI, Inc. for PO 2018-0660, Invoice #18568 in the amount of \$645.00 for work completed on Project 17-019 bridge over Moore's Branch. (to be paid from 2013-A Bond Account)

Resolution No. 2018-216-R accepting settlement in the amount of \$3,700 for Police Department vehicle involved in an accident and deemed to be a total Loss

DONATIONS:

Accept a donation of \$9,123.12 from the American Society for Industrial Security (ASIS) International for communications equipment for the SWAT team

Council Member Powell seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

Mayor Finley thanked all involved for the Fourth of July celebration.

COUNCIL DISTRICT NO. 1 MAURA WROBLEWSKI

Council Member Wroblewski announced that every 4th Thursday of the month the Madison Historical Preservation Committee meets at the Madison Library at 6:00 PM.

COUNCIL DISTRICT NO. 2 STEVE SMITH

No business to report.

COUNCIL DISTRICT NO. 3 TEDDY POWELL

No business to report.

COUNCIL DISTRICT NO. 4 GREG SHAW

No business to report.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

No business to report.

COUNCIL DISTRICT NO. 6 GERALD CLARK

No business to report.

COUNCIL DISTRICT NO. 7 JOHN SEIFERT

No business to report.

BOARD/COMMITTEE APPOINTMENTS

PUBLIC HEARINGS

PROPOSED ORDINANCE NO. 2018-173 ZONING CERTAIN PROPERTY OWNED BY CHARLES & KENDRA KING AND LOCATED AT 30086 HARDIMAN ROAD TO R3A, SINGLE FAMILY DETACHED RESIDENTIAL {FIRST READING 05/29/2018}

Director of Development Services Broeren advised that Planning Commission and staff recommend approval of this zoning request.

Council President Overcash opened the public hearing for comments regarding this zoning request.

BeBe Oetjen, a resident of Madison, stated that it was her understanding that Council had decided to cut down on the number of annexations it allowed into the City. Director Broeren stated that it was decided at an earlier Council Work session that the City of Madison would allow single lot annexations to move forward.

Having no further comments from the public, Council President Overcash closed the public hearing and entertained a motion from Council.

Council Member Seifert moved to approve Ordinance No. 2018-173. Council Member Clark seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2018-176 ZONING CERTAIN PROPERTY OWNED BY SHAWN P. GRESHAM AND LOCATED AT 9780 SEGERS ROAD TO R1A, LOW DENSITY RESIDENTIAL {FIRST READING 05/29/2018}

Planning Director Broeren advised that Planning Commission and staff recommend approval of this zoning request.

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

Council Member Wroblewski moved to approve Ordinance No. 2018-176. Council Member Seifert seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye

Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2018-179 ZONING CERTAIN PROPERTY OWNED BY CHRISTIAN P. AND BEVERLY C. BAKER AND LOCATED NORTH OF LARKIN DRIVE AND WEST OF BURGREN ROAD TO R1, LOW DENSITY RESIDENTIAL, AND AG, AGRICULTURE {FIRST READING 05/29/2018}

Director Broeren advised that Planning Commission and staff recommend approval of this zoning request.

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

Louis Ferrier, member of the Board of Education asked about the potential of developing these lots. He was advised that four of the 7 acres are zoned for agriculture that allows for residential but requires 3 acres for a house.

Having no further comments, Council President Overcash closed the public hearing and entertained a motion from Council.

Council Member Smith moved to approve Ordinance No. 2018-179. Council Member Clark seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2018-181 TO AMEND SECTION 4-12 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) DISTRICT REGULATIONS OF THE ZONING ORDINANCE {FIRST READING 05/29/2018}

Director Broeren advised that Planning Commission and staff recommend approval of this zoning request.

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

Council Member Wroblewski moved to approve Ordinance No. 2018-181. Council Member Smith seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Abstain
Council District No. 7 John Seifert	Aye

Motion carried.

DEPARTMENT REPORTS

PLANNING

PROPOSED ORDINANCE NO. 2018-171 ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY OWNED BY CHARLES & KENDRA KING AND LOCATED AT 30086 HARDIMAN ROAD {FIRST READING 06-25-2018}

Council Member Seifert moved to approve Ordinance No. 2018-171. Council Member Clark seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2018-174 ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY OWNED BY SHAWN P. GRESHAM AND LOCATED AT 9780 SEGERS ROAD {FIRST READING 06-25-2018}

Council Member Wroblewski moved to approve Ordinance No. 2018-174. Council Member Smith seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
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Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2018-177 ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY OWNED BY CHRISTIAN P. AND BEVERLY C. BAKER AND LOCATED NORTH OF LARKIN DRIVE AND WEST OF BURGREN ROAD {FIRST READING 06-25-2018}

Council Member Smith moved to approve Ordinance No. 2018-177. Council Member Wroblewski seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PUBLIC WORKS

RESOLUTION NO. 2018-204-R AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH SRDESIGN, PC, FOR ARCHITECTURE AND CONSTRUCTION MANAGEMENT SERVICES FOR NEW PUBLIC WORKS FACILITY {ESTIMATED \$187,600 TO BE PAID FROM 2018-C GENERAL OBLIGATION BOND}

Council Member Shaw moved to approve Resolution No. 2018-204-R. Council Member Wroblewski seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

RECREATION

RESOLUTION NO. 2018-212-R APPROVING MADISON CITY VOLLEYBALL FACILITIES USE AGREEMENT

Council Member Wroblewski moved to postpone consideration of Resolution No. 2018-212-R until the July 23 Council Meeting. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

RESOLUTION NO. 2018-211-R APPROVING MADISON DOLPHINS SWIM TEAM FACILITIES USE AGREEMENT

Council Member Smith moved to approve Resolution No. 2018-211-R. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

RESOLUTION NUMBER 2018-213-R AWARDDING BID FOR RECREATION LEAGUE BASKETBALL UNIFORMS TO 5BOYS PRODUCTIONS IN THE AMOUNT OF \$19,505 {TO BE PAID FROM DEPARTMENTAL BUDGET}

Council Member Smith moved to approve Resolution No. 2018-213-R. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye

Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

LEGAL

**PROPOSED ORDINANCE 2018-208: GRANTING EASEMENT TO DANIEL AND KAREN CHANDLER
{FIRST READING 6-25-18}**

Council Member Shaw moved to approve Ordinance No. 2018-208. Council Member Clark seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Absent at vote
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2018-215: EXTENDING TERM OF AT&T IP NETWORK AGREEMENT {FIRST READING}

As this was a first reading, no action was taken on Proposed Ordinance No. 2018-215.

PRESENTATION REGARDING RIGHT-OF-WAY PERMITTING ORDINANCE

Attorney Zingeralli updated Council on some proposed updates to the right-of-way permitting ordinance.

PICTURE PERFECT KUTZ PUBLIC HEARING

City Attorney Zingarelli stated that on May 29 a public hearing was set in order to consider what to do about allegations of illegal gambling at Picture Perfect Kutz and The Braid Shop. Madison Police investigated and the case was referred for prosecution and a guilty plea was obtained in City court. Also, the Madison County DA obtained a default judgement on money that was seized at this location. She requested Chief Jernigan to make a statement.

Chief Jernigan stated that he believes that the business in question has been operating as a front for illegal gambling. They executed a search on March 13, and seized seven illegal slot machines; also, evidence of narcotic transactions was found on the premises. He urged Council to revoke the business license.

Council President Overcash opened the public hearing for comments on this issue.

Bivens Mayo, the owner of the business, appeared before Council to apologize and ask that Council not revoke his business license.

Bebe Oetjen, a citizen of Madison, appeared before Council stating that Madison does not need a business that engages in illegal activities and that the business license needed to be revoked.

With no other comments being made, Council President Overcash closed the public hearing and entertained a motion from Council.

RESOLUTION NO. 2018-206-R REVOKING THE BUSINESS LICENSE OF PICTURE PERFECT KUTZ

Council Member Powell moved to approve Resolution No. 2018-206-R. Council Member Wroblewski seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

PERSONNEL HEARING

City Attorney Megan Zingarelli asked that the following statement be included in the minutes:

As an attorney licensed to practice law in Alabama and as City Attorney for the City of Madison, Alabama, it is my opinion that Alabama Code § 36-25A-7(1), which allows the Council to enter into Executive Session, applies to a personnel hearing set for this evening in that the general reputation, character, professional competence, and job performance of an employee are an issue.

Council Member Wroblewski moved to enter into executive session for the purpose of such discussion. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
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Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

With majority consent, the Council will now enter into executive session and reconvene at approximately 8:00 p.m.

Council Member Powell moved to return from executive session. Council Member Wroblewski seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Absent at vote

Motion carried.

Council Member Powell moved to affirm the Mayor’s decision regarding this personnel issue. Council Member Wroblewski seconded. The roll call vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

None

ADJOURNMENT

Having no further business to discuss, Council Member Powell moved to adjourn. Council Member Smith seconded. The vote was taken and recorded as follows:

Council District No. 1 Maura Wroblewski	Aye
Council District No. 2 Steve Smith	Aye
Council District No. 3 Teddy Powell	Aye
Council District No. 4 Greg Shaw	Aye
Council District No. 5 Tommy Overcash	Aye
Council District No. 6 Gerald Clark	Aye
Council District No. 7 John Seifert	Aye

Motion carried.

The meeting adjourned at 8:10 PM

Signatures on following page.

Minutes No. 2018-14-RG, dated July 9, 2018 read, approved and adopted this 23rd day of July 2018.



Council Member Maura Wroblewski
District One



Council Member Steve Smith
District Two



Council Member Teddy Powell
District Three



Council Member Greg Shaw
District Four



Council Member Tommy Overcash
District Five

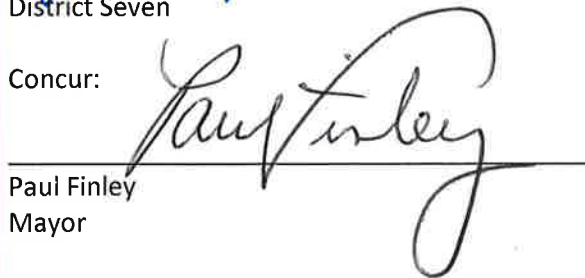


Council Member Gerald Clark
District Six



Council Member John Seifert
District Seven

Concur:



Paul Finley
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer



Lisa Berry
Recording Secretary