

MINUTES NO. 2009-19-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
AUGUST 24, 2009

The Madison City Council met in regular session on Monday, August 24, 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 6:03 p.m. by Council President Tommy Overcash.

Pastor Garry Jordan with CrossPointe Church provided the evening's invocation. The Pledge of Allegiance was led by Council Member Holtzclaw.

ELECTED GOVERNING OFFICIALS IN ATTENDANCE

Roll Call of Elected Governing Officials was conducted by Municipal Records Coordinator Kristen Bruseth 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	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: Mayoral Aide Taylor Edge, City Clerk-Treasurer Melanie A. Williard, Fire Chief Ralph Cobb, Revenue Officer Cameron Grounds, Engineering Technician Keith Conville, Planning Director Bob Atallo, Public Works Director Dana Stahl, Director of Building Cody Phillips, City Engineering Director Gary Chynoweth, Finance Director Lillie Causey, Fire Captain Charles Williams, Deputy Fire Chief Jeff Birdwell, Municipal Court Magistrate Rick Honea, City Planner Johnny Blizzard, Parks & Recreation Director Mike Cassell, Legal Assistant Lisa Bullock, Parks & Recreation Accounting/Payroll Assistant Gayle Milam, HR Director Terri Towry, Police Major Lee Weaver, and Recording Secretary Kristen N. Bruseth

Public Attendance registered: Ed Collins, Amy Furfori, Joe Gehrdes representing the Huntsville Madison County Builder's Association, Curtis Horton, Bea Horton, Bob DeFurio, Larry Baker, Ann Baker, Niki Doyle, Don Webster, Terry Ann Sampson, Jason Young, Erin Young, Susan Wolcott and Wesley Wolcott, Nikki Littleton, Rettke family, Tom McKee family, Terri Johnson, Frank Riddick, Don Spencer, Jr., Kenneth Delano, Cynthia Delano, Bill Ward, Claudia V. Rice, Rhonda Williamson, Scott Williamson, Jakob Williamson, Camryn Williamson, Victor Widgren, Brian Widgren, Caron Widgren, W.C. Fuller and one illegible signature

APPROVAL OF MINUTES

MINUTES NO. 2009-17-RG; AUGUST 10, 2009

Council Member Haraway moved to approve Minutes No. 2009-17-RG. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
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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.

MINUTES NO. 2009-18-SP, AUGUST 13, 2009

Council Member Holtzclaw moved to approve Minutes No. 2009-18-SP. 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.

PRESENTATIONS AND AWARDS

PRESENTATION OF PLAQUE TO MR. BRIAN WIDGREN

Mayor Finley and Council President Overcash presented a plaque to Mr. Brian Widgren in recognition of his Boy Scout volunteer work in assisting with renovations to the Animal Control shelter.

A round of applause was given.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO TROOP 350 OF ST. JOHN THE BAPTIST CATHOLIC CHURCH

and

PRESENTATION OF CERTIFICATE OF RECOGNITION TO BOB DEFURIO OF MARF (MADISON ANIMAL RESCUE FOUNDATION) FOR WORK DONE ON THE ANIMAL CONTROL BUILDING RENOVATIONS

Mayor Finley and Council President Overcash presented Certificates of Recognition to Boy Scout Troop 350 and Mr. Bob Defurio for their hard work, dedication and outstanding community support to the City of Madison and the Madison Animal Rescue Foundation by having volunteers build dog run additions at the Madison City Animal Shelter.

A round of applause was given.

PROCLAMATION FOR ASPERGERS SYNDROME MONTH

Mayor Finley proclaimed the month of August as "Aspergers Syndrome Awareness Month" in the City of Madison.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO MR. VINCENT * AND MS. ERIN YOUNG FOR ACHIEVEMENTS AT THE RECENT NATIONAL JUNIOR OLYMPICS SKILLS COMPETITION

Mayor Finley and Council President Overcash presented Certificates of Recognition to Ms. Erin Young and Mr. Vincent Rettke for winning both local and regional levels in the 10-11 age category for the Tennis Rapid Rally portion of the Junior Olympics Skills Competition hosted by the City of Madison Recreation Center which advanced them

to the National Finals in Chula Vista, CA, where Erin won the Silver Medal and Vincent won the Gold Medal.

A round of applause was given.

ACCEPTANCE OF REIMBURSEMENT FROM JUNIOR OLYMPIC SKILLS COMPETITION FOR EXPENSES ASSOCIATED WITH HOSTING THE 2009 REGIONAL JUNIOR OLYMPIC SKILLS COMPETITION

Council Member Haraway moved to accept \$200 check as reimbursement from the Junior Olympic Skills Competition National Headquarters for hosting the event. 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.

AMENDMENTS TO AGENDA

The following amendments were made to this evening's agenda:

- Acceptance of donation to the Fire Department in the amount of \$200 from Knights of Columbus/St. John the Baptist Catholic Church Council 10232 (to be deposited into Fire Department donation account)
- Acceptance of payment from Alabama Municipal Insurance Corporation in the amount of \$5,823.68 for roof damage to additional city buildings

PUBLIC COMMENTS

MR. ED COLLINS; DOOR-TO-DOOR SOLICITATIONS

Mr. Collins, speaking of behalf of Heritage Station HOA President, voiced complaints their neighborhood has with door-to-door solicitations. They feel there should be stiffer penalties for unlicensed door-to-door solicitations and violations of the door-to-door solicitation ordinance. Also, Mr. Collins addressed the topic of convicted felons not being able to obtain door-to-door solicitation permits yet they are allowed to have a business license and enter a home to do business. Mr. Collins believes there is a disconnect in this practice and feels the City should look closer at the issue.

MR. JASON YOUNG; FATHER OF MS. ERIN YOUNG, NATIONAL JUNIOR OLYMPIC SKILLS COMPETITION

Mr. Young publicly thanked Ms. Gayle Milam, and the rest of the city's Parks & Recreation Department, for the youth of the community with this opportunity.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$347,841.74
Gasoline Tax and Petroleum Inspection Fees	\$18,100.22
Series 2006 Bond Checking	\$474,882.85
Subdivision Cash Bond Account	\$41,832.97
Acceptance of donation from XPA Allstars, LLC for brick project at the handicap	

accessible playground	\$50.00
Approval of payment to Keith Southard for capital improvement project – Balch Road extension (to be paid from capital improvement budget)	\$45.00
Approval of payment to the following vendors for capital improvement project – Mill Road improvement (to be paid from capital improvement budget):	
○ HD Waterworks Supply	\$545.25
○ United Rentals	\$177.79
○ Vulcan Materials	\$894.39
○ Turfgrass America	\$491.40
Approval of payment to Turfgrass America for capital improvement project – Balch Road widening (to be paid from capital improvement budget)	\$378.00
Approval of payment to Osborne Associates Architects for handicap accessible playground (to be paid from capital improvement budget)	\$375.00
Approval of payment to Florence & Hutcheson, Inc. for work completed on Wall Triana Highway widening (to be paid from capital improvement budget)	\$17,556.00
Approval of payment to Florence & Hutcheson, Inc. for work completed on Highway 72 and Wall Triana (to be paid from capital improvement budget)	\$7,803.42
Approval of payment to Goodwyn, Mills and Cawood, Inc. for work completed on Bradford Creek Greenway Phase 1 (to be paid from capital improvement budget)	\$1,300.00
Approval of payment to Goodwyn, Mills and Cawood, Inc. for work completed on Bradford Creek Greenway Phase 1 (to be paid from capital improvement budget)	\$4,346.25
Acceptance of payment to Goodwyn, Mills and Cawood, Inc. for work completed on Whisperwood to Mill Creek drainage (to be paid from capital improvement budget)	\$1,680.00
Approval of payment to Wilmer & Lee for legal services for Gillespie Road extension (to be paid from Capital Improvement budget)	\$502.50
Approval of payment to Wilmer & Lee for legal services for Bradford Creek Greenway Phase 1 (to be paid from capital improvement budget)	\$225.00
Approval of payment to OMI, Inc. for construction services for Balch Road extension (to be paid from capital improvement budget)	\$636.00
Approval of payment to JW Kennedy for construction staking on Mill Road bridge (to be paid from capital improvement budget)	\$760.00
Approval of payment to Reed Contracting for Eastview Drive extension (to be paid from capital improvement budget)	\$174,207.50
Acceptance of donation from Knights of Columbus for Madison Animal Rescue Foundation	\$100.00
Acceptance of donation from Madison Guns & Ammo for Madison Animal Rescue Foundation building fund	\$500.00
Resolution No. 2009-176-R; declaring certain city property (vehicles) used by the Police Department as surplus and authorizing that it be sold on GovDeals	
Acceptance of donation to the Fire Department in the amount of \$200 from Knights of Columbus/St. John the Baptist Catholic Church Council 10232 (to be deposited into Fire Department donation account)	

Acceptance of payment from Alabama Municipal Insurance Corporation in the amount of \$5,823.68 for roof damage to additional city buildings

Council Member Haraway seconded the motion to approve the Consent Agenda and Finance Committee Report. 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.

RESOLUTION NO. 2009-175-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MADISON CITY SCHOOLS

Council Member Holtzclaw moved to approve Resolution No. 2009-175-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.

PROPOSED ORDINANCE NO. 2009-174; AUTHORIZING THE ISSUANCE AND MAKING PROVISION FOR THE PAYMENT OF THE GENERAL OBLIGATION SCHOOL WARRANTS IN THE AMOUNT OF \$51,110,000

It was moved by Council Member Holtzclaw that all rules which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance be given. The motion was seconded by Council Member Haraway and was unanimously carried, those voting aye being:

Ayes: Tommy Overcash, President
Jerry Jennings
Tim Holcombe
Steve Haraway
Bill Holtzclaw

Nays: None

The President of the Council declared the motion carried.

After said ordinance had been discussed and considered in full by the Council, it was moved by Council Member Haraway that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Council Member Holtzclaw. The question being put as to the adoption of said motion and the final passage and adoption of said ordinance, the roll was called with the following results:

Ayes: Tommy Overcash, President
Jerry Jennings
Tim Holcombe
Steve Haraway
Bill Holtzclaw

Nays: None

The President of the Council thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

MAYOR'S REPORT

Mayor Finley spoke on the following topics

- City of Madison named Second Best Place to Grow Up by *U.S. News & World Report*
- Ad Hoc committee met to discuss new high school options
- Interviews to begin next week for City Attorney
- Delay of day care at Parks & Recreation until Council can review the proposed program
- Proposed FY 09/10 budget delivered to Finance Committee
- Read aloud a letter from Asbury United Methodist Church commending Police Sergeants Drew Westrope and John Stringer for holding a workshop to prepare college bound freshmen

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

No business to report

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

APPOINTMENT TO RECREATION ADVISORY BOARD

Council Member Haraway moved to appoint Mr. Bill Ward to the Recreation Advisory Board, Place No. 3, filling an unexpired term recently vacated by Mr. Mike Ray. 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.

This term will expire October 13th, 2009.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

No business to report.

COUNCIL DISTRICT NO. 4 TIM COWLES

No business to report.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

Absent

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

RESOLUTION NO. 2009-156-R; ASSIGNING POSITIONS TO THE CLASSIFICATION PLAN

Council Member Haraway expressed concern with changing these positions at this time due to current economic restraints. Council Member Jennings stated that he believes the city should move forward at this time and make the changes, as they involve equalization of salary for the work the employees in these positions are currently performing. He reminded Council that some time ago, they authorized a study to be completed in which a recommendation of several realignments of pay be taken, which if done all at one time would be far too expensive. After reviewing the recommendations, the HR Committee was able to cull the results down to approximately seven action items. Council Member Jennings believes the City should move forward and implement as a sense of fairness to the individuals involved as they are performing duties that go beyond their present classifications. Council Member Haraway added that the Resolution before them this evening only involves a few employees. He believes that action tonight could potentially open up disharmony amongst fellow employees whose salaries are not being reclassified. Council Member Holtzclaw recognized Council Member Haraway's concern from a budgetary angle but stated that other positions will be looked at in the budget cycle. He also added that although the HR Committee did have revenue concerns, they are balanced out currently and they feel the projections will continue to allow them to work with these numbers for the balance of the fiscal year through a line item in the Mayor's budget, who has agreed to support these reclassifications. Council President Overcash stated that the positions before them this evening for action were identified as the highest priority in the difference from their current salary and what they should be paid. Mayor Finley stated that he believes in the theory that when employees sign up for the job they started, they knew the salary they would be paid for that job. Having said that, he stated that he has complete faith in HR Director Terri Towry's recommendation and as she stands behind these reclassifications then he will too. Council Member Holcombe stated that he believes what is presented to them this evening is fair and reasonable and will start to get employees in line with the pay they should be receiving based on their job duties. He did state that he'd like some assurance that the new personnel line item budget will have the figures already built in for the remainder of the reclassifications.

Council Member Holtzclaw moved to approve Resolution No. 2009-156-R.
Council Member Jennings 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

Council President Overcash reviewed, line by line, the Action Item list with all those in attendance.

AUTHORIZATION TO FUND PAINTING OF DOWNTOWN ROUNDHOUSE (TO BE PAID FROM COUNCIL SPECIAL PROJECT FUND)

Council consented to the expenditure for the painting of the downtown roundhouse.

QUASI-JUDICIAL ENFORCEMENT OF CODE VIOLATIONS

Council President Overcash stated that he has received numerous emails from individuals interested in quasi-judicial enforcement of code violations brought before Council by Mr. Ed Collins, a resident of Madison.

Mr. Collins stated that rather than taking violators of the City's code in relation to door-to-door sales and temporary signs to court, the City should instead look at setting up a more effective and efficient way like a lot of other municipalities have.

Council President Overcash will set up a committee composed of city officials/employees to explore this issue further.

PUBLIC HEARINGS

PROPOSED ORDINANCE NO. 2009-151; REZONING CERTAIN PROPERTY LOCATED EAST OF WALL-TRIANA HIGHWAY, SOUTH OF CHESTNUT DRIVE AND WALNUT STREET FROM R-1A TO B-1 AS REQUESTED BY ARMANDO SANCHEZ (FIRST READING JULY 31, 2009)

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

Council Member Jennings moved to adopt Ordinance No. 2009-151. 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.

DEPARTMENTAL REPORTS

ENGINEERING DEPARTMENT

RESOLUTION NO. 2009-167-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR PROJECT DE-AL81 RIGHT-OF-WAY AGREEMENT BALCH ROAD WIDENING FROM SOUTH OF MADISON CITY LIMITS TO GOOCH LANE (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET) (ACTION TABLED AT AUGUST 10, 2009 MEETING)

Mayor Finley informed Council that this item is not ready for vote this evening.

PROPOSED ORDINANCE NO. 2009-168; ACCEPTING PROPERTY FROM R.WAYNE WOLFE, PHILIMOND S. SMITH, JOSEPH C. MURPHY AND MILL ROAD DEVELOPERS, LLC FOR THE MILL CREEK GREENWAY TO BROWNSFERRY ROAD EXTENSION PROJECT (FIRST READING)

This was considered a first reading.

COURT

RESOLUTION NO. 2009-162-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CITEPAY USA, LLC

Council Member Holtzclaw moved to approve Resolution No. 2009-192-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PUBLIC WORKS

RESOLUTION NO. 2009-170-R; AWARDING BID MPWD-17-09 TO HUNTSVILLE TRACTOR EQUIPMENT FOR THE PURCHASE OF A FOUR WHEEL DRIVE TRACTOR IN THE AMOUNT OF \$19,894.05 (TO BE PAID FROM DEPARTMENTAL BUDGET)

Council Member Haraway moved to approve Resolution No. 2009-170-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PLANNING

ACCEPTANCE OF FOXFIELD, PHASE 2 INTO THE CITY OF MADISON MAINTENANCE PROGRAM

Council Member Haraway moved to accept Foxfield, Phase 2 into the city's maintenance program. 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.

CITY CLERK

RESOLUTION NO. 2009-171-R; DESIGNATING FIRST COMMERCIAL BANK AS DEPOSITORY FOR THE STATE FORFEITURE ACCOUNT, FEDERAL FORFEITURE ACCOUNT AND POLICE DEPARTMENT BLOCK GRANT

Council Member Jennings moved to approve Resolution No. 2009-171-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.

RESOLUTION NO. 2009-172-R; DESIGNATING FIRST COMMERCIAL BANK AS DEPOSITORY FOR POLICE INVESTIGATION HOLDING ACCOUNT

Council Member Jennings moved to approve Resolution No. 2009-172-R. Council Member Holcombe seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
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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.

RESOLUTION NO. 2009-173-R; DESIGNATING FIRST COMMERCIAL BANK AS DEPOSITORY FOR THE COURT DEPARTMENT ONLINE PAYMENT ACCOUNT

Council Member Jennings moved to approve Resolution No. 2009-173-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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2009-169; SETTING FEE FOR ONLINE CREDIT CARD PAYMENTS THAT ARE DISPUTED OR CHARGED BACK (FIRST READING)

This was a first reading only of proposed Ordinance No. 2009-169.

LEGAL

LEGAL ACTION ITEMS

PROPOSED ORDINANCE NO. 2009-159; ASSENTING TO THE ANNEXATION OF PROPERTY OWNED BY VICKIE MITCHELL (LIMESTONE COUNTY) (FIRST READING AUGUST 10, 2009)

Council Member Jennings moved to adopt Ordinance No. 2009-159. Council Member Haraway seconded.

Ms. Ann Baker, sister of the property owner, presented several questions on procedure for non-household trash pickup and burn policy by the City. Council Member Haraway referred her to the Public Works and Fire Departments for detail.

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. 2009-160; ASSENTING TO THE ANNEXATION OF PROPERTY OWNED BY LAWRENCE & VELMA DAVIS LOCATED AT 29958 HARDIMAN ROAD IN LIMESTONE COUNTY (FIRST READING AUGUST 10, 2009)

Council Member Haraway moved to adopt Ordinance No. 2009-160. 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. 2009-161; ASSENTING TO THE ANNEXATION OF PROPERTY OWNED BY KENNETH & SHARON WHIGHAM LOCATED AT 10472 SEGERS ROAD IN LIMESTONE COUNTY (FIRST READING AUGUST 10, 2009)

Council Member Haraway moved to adopt Ordinance No. 2009-161. 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. 2009-163; AUTHORIZING THE WATER AND WASTEWATER BOARD TO DISPOSE OF ITS INTEREST IN CERTAIN REAL PROPERTY (FIRST READING AUGUST 10, 2009)

Council Member Haraway moved to adopt Ordinance No. 2009-163. 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. 2009-164; VACATION OF EASEMENT REQUEST FROM CONTINENTAL PROPERTIES TO VACATE SEWER EASEMENT ON LOT 4, THE SPRINGS AT MADISON (FIRST READING AUGUST 10, 2009)

Council Member Haraway moved to adopt Ordinance No. 2009-164. 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.

PROPOSED ORDINANCE NO. 2009-165; VACATION OF EASEMENT REQUEST FROM CONTINENTAL PROPERTIES TO VACATE SEWER EASEMENT ON LOT 4A, THE SPRINGS AT MADISON (FIRST READING AUGUST 10, 2009)

Council Member Haraway moved to adopt Ordinance No. 2009-165. 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

A resident who did not give her name asked Council if there are any plans to fix up the vacant hardware store and the Clay House museum located in downtown Madison. Council Member Jennings stated that the particular property she is referring to is private property and as such they are unaware of the property owner's intent.

EMPLOYEE GRIEVANCE HEARING

Council President Overcash announced that this hearing is in reference to Fire Captain Stacy Haraway. Council Member Holcombe moved to go into Executive Session to discuss the good name and character of an individual. 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.

It was noted following the vote to go into Executive Session that Council Member Haraway left the meeting. Council President Overcash advised that the Council will be in Executive Session until approximately 9:30 p.m. after which they will reconvene in Council Chambers. Council went into Executive Session at 7:53 p.m. and returned at 10:46 p.m.

Council Member Holcombe moved to come out of Executive Session. Council Member Jennings seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Absent
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 Holtzclaw moved to affirm the decision of Mayor Finley regarding this employee grievance. Council Member Jennings seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Absent
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 President Overcash stated that Council recommends that the 90 day suspension period begin on this date. He further stated that Council strongly encourages Captain Haraway and the Fire Department do everything possible to help remedy this situation. Council recognizes Captain Haraway's long and valuable service to the City of Madison and hopes that this situation can be remedied as soon as possible.

ADJOURNMENT

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

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Absent
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 10:48 p.m.

Signatures on following page.

Minutes No. 2009-19-RG, dated August 24, 2009, read, approved and adopted this 14th day of September 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