



**MINUTES NO. 2019-10-RG**

**OF A**

**REGULAR MEETING**

**OF THE CITY COUNCIL OF**

**THE CITY OF MADISON, ALABAMA**

**MAY 28, 2019**

The Madison City Council met in regular session on Monday, May 28, 2019, 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 Smith.

Pastor John Dees with CrossPointe Church provided the invocation followed by the Pledge of Allegiance led by Council President Steve Smith.

**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 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	Absent

City Officials in attendance were: City Clerk Treasurer Melanie Williard, City Attorney Megan Zingarelli, Police Chief David Jernigan, Parks & Recreation Director Kory Alfred, Deputy Director of Engineering Michelle Dunson, Communications Specialist Samantha Magnuson, Public Works Director Kent Smith, Information Technology Director Jason Colee, Human Resources Director Terri Towry, Fire Chief David Bailey, Revenue Officer Cameron Grounds, School Board Attorney Woody Sanderson, and Deputy City Clerk-Treasurer Lisa Thomas

Public Attendance registered: BeBe Oetjen, James Rolfsen, Carol Rolfsen, Jessica Vaughn, Alan Vaughn, Terri Johnson, Amy Nation, Christy McGuire, Pam Honeycutt, Jim Offenbecher, Mona Offenbecher, Jon Howell, Mason Hall, Robert Kendall, Teresa Kendall, Diane Milliken, Gary A. Jones, Betty Allen-Jones, Jared Cassidy, Monica Forrell, Ed Farrell, Jeff North, Jim Roberts, Judi Harris, Phil Harris and two illegible signatures

**AMENDMENTS TO AGENDA**

Resolution No. 2019-95-R; approving a development agreement between the City and Breland Homes, LLC for property located at the western terminus of Kyser Boulevard (Legal Department line of business) will be continued to the June 10, 2019 regular council meeting.

**APPROVAL OF MINUTES**

**MINUTES NO. 2019-09-RG, MAY 13, 2019**

Council Member Shaw moved to approve Minutes No. 2019-09-RG, dated May 13, 2019. Council Member Powell seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**MINUTES NO. 2019-05-WS, MAY 22, 2019**

Council Member Shaw moved to approve Minutes No. 2019-05-WS, dated May 22, 2019. Council Member Wroblewski seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Abstain
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**PRESENTATIONS AND AWARDS**

None

**PUBLIC COMMENTS**

The following individuals appeared before Council and the Mayor to speak on various topics of importance to them:

- Bebe Oetjen; inquired into the number of houses in Willow Creek Subdivision
- Jeff North; concerned about the rate of growth and how it affects the city’s current growth policy
- Robert Kendall; against proposed development agreement with Breland Homes, LLC for property located at western terminus of Kyser Boulevard
- Betty Allen-Jones; rejection of bid associated with multi-use path on Wall Triana
- Gary Jones; rejection of bid associated with multi-use path on Wall Triana
- Mason Hall; proposed development agreement with Breland Homes, LLC
- Christy McGuire; inquired into plan for increasing funding to schools
- Diane Milliken; proposed development agreement with Breland Homes, LLC
- Jim Offenbecher; proposed development agreement with Breland Homes, LLC
- Mark Simonic; concerned with public safety and utility services not keeping up with demand of rapid growth
- Mark Kester; proposed development agreement with Breland Homes, LLC
- James Rolfsen; condition of sidewalk at Gatehouse Court and Hughes Road when it rains
- Teresa Kendall; proposed development agreement with Breland Homes, LLC

Council President Smith addressed a few of the comments made by the public. In terms of the comments regarding what Council would do in each of their districts if the development agreement is approved he clarified that Council does not operate on what is best for their *individual* districts but rather the City *as a whole* and does not allocate monies per district.

The \$190,000 mentioned several times as a part of the proposed development agreement with Breland Homes, LLC is approximately 1/3 the cost of the road that would be put in if the City were to build it. It does not include the nearly \$3 million in improvements that the developer will make towards the City.

Council President Smith also addressed Mr. Jones’ comment that he will be urging everyone to boycott Madison businesses until Council builds a multi-use path along Wall Triana. The City does take tax dollars and put them back in to the community in terms of road infrastructure, public safety services, sidewalk projects to name just a few. He stressed that there is a **delay** in the construction of a multi-use path along Wall Triana. The Council has not said that they will not be constructing it they are simply trying to be very efficient with the taxpayers’ dollars.

**CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

Council Member Shaw moved to approve the Consent Agenda and Finance Committee Report.  
Council Member Powell seconded.

General Operating Account	\$997,102.42
Special General Operating Accounts	\$409.19

½ Cent Capital Replacement	\$1,363.50
½ Cent Infrastructure	\$30,101.09
Gasoline Tax and Petroleum Inspection Fees	\$77,839.97
CIP Bond Accounts	\$318,506.88
Street Repair and Maintenance	\$3,485.68
Library Building Fund	\$1,595.43
Fire CPR	\$106.89
ADEM Storm Drainage	\$1,184.32
Water Distribution and Storage	\$2,120.00

- Approval of payment to Quality Testing Services in the amount of \$2,802.50 for Invoice No. 19-15578 on PO No. 2019-663 for material testing and inspection services for structural steel construction (Resolution No. 2019-02-R; Multi-Use Venue Stadium CIP Project No. 18-012) to be paid from 2018-A GO Taxable Bond Account
- Approval of payment to Quality Testing Services in the amount of \$2,600 for Invoice No. 19-15682 on PO #2019-663 for material testing and inspection services for structural steel construction (Resolution No. 2019-02-R; Multi-Use Venue Stadium CIP Project No. 18-012) to be paid from 2018-A GO Taxable Bond Account
- Resolution No. 2019-136-R; approving travel advance in the amount of \$260.50 each for Adam Beasley and Joshua Garlen to attend Practical Kinesics Interview and Interrogation, Phase I and II
- Resolution No. 2019-135-R; approving payment in the amount of \$2,000 from Council Special Projects budget for use by the Madison Arts Council
- Approval of payment to Populous Group in the amount of \$34,220.77 for Invoice No. 67706 on PO No. 2018-1213 for construction administration construction services Phase (Resolution No. 2018-160-R; Multi-Use Venue Stadium CIP Project No. 18-012) to be paid from 2018-A GO Taxable Bond account
- Approval of payment to Geo Solutions in the amount of \$300 for Invoice No. 29118 on PO No. 2019-218 for NPDES monitoring for the month of April of the services phase (Resolution No. 2018-192-R; Multi-Use Venue) to be paid from 2018-A GO Taxable Bond account

- Approval of payment to Geo Solutions in the amount of \$27,630 for Invoice No. 29040 on PO No. 2019-156 for material testing and inspection services (Resolution No. 2018-293-R; Multi-Use Venue) to be paid from 2018-A GO Taxable Bond account
- Approval of payment to Hoar Construction, LLC in the amount of \$3,059,080.87 for Invoice No. 7 on PO No. 2019-155 for construction of Multi-Use Venue Stadium (Resolution No. 2018-284-R; CIP Project No. 18-012) to be paid from 2018-A GO Taxable Bond account
- Approval of payment to Croy Engineering in the amount of \$29,614.49 for Invoice No. 19316 for work completed to date on the widening of Sullivan Street from Madison Boulevard to Kyser (Project No. 18-023, per Resolution No. 2018-233-R) to be paid from 2018-C GO Bond Issue account

**APPROPRIATIONS/DONATIONS**

- Acceptance of donation from Bob Jones High School and Discovery Middle School Jazz Bands in the amount of \$600 to be used for Senior Center activities to be deposited into Recreation Donation Account

The roll call vote to approve the Consent Agenda was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion carried.

**PRESENTATION OF REPORTS**

**MAYOR PAUL FINLEY:**

Mayor Finley reported on the following activities, events and newsworthy items:

- Memorial Day event at the Veteran’s Park at Village Green hosted by American Legion Post 229
- Madison Chamber of Commerce efforts supporting the City
- Last needed parcel of land attained for the Mill Creek Greenway expansion

**COUNCIL DISTRICT NO. 7 JOHN SEIFERT**

Absent

**COUNCIL DISTRICT NO. 6 GERALD CLARK**

Council Member Clark reported on the following activities, events and newsworthy items:

- Memorial Day event at Veterans Park at Village Green
- Responded to public comments regarding multi-use path on Wall Triana

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

Council Member Overcash reported on the following activities, events and newsworthy items:

- Responded to public comments regarding multi-use path on Wall Triana and proposed development agreement with Breland Homes, LLC

**COUNCIL DISTRICT NO. 4 GREG SHAW**

Council Member Shaw reported on the following activities, events and newsworthy items:

- Responded to public comments regarding Wall Triana multi-use path

**COUNCIL DISTRICT NO. 3 TEDDY POWELL**

Council Member Powell reported on the following activities, events and newsworthy items:

- Responded to public comments regarding proposed development agreement with Breland Homes, LLC and the \$190,000 allocation in the agreement, \$3,000,000 in improvements and the multi-use path on Wall Triana

**COUNCIL DISTRICT NO. 1 MAURA WROBLEWSKI**

Council Member Wroblewski reported on the following activities, events and newsworthy items:

- Responded to public comments regarding multi – use path on Wall Triana

**COUNCIL DISTRICT NO. 2 STEVE SMITH**

Council President Smith reported on the following activities, events and newsworthy items:

- Police Foundation carnival this week

**BOARD/COMMITTEE APPOINTMENTS**

None

**PUBLIC HEARINGS**

None

**DEPARTMENTAL REPORTS**

**ENGINEERING**

**RESOLUTION NO. 2019-98-R; REJECTING AND AUTHORIZING THE RE-BIDDING OF WALL TRIANA MULTI-USE PATH**

Council Member Wroblewski moved to approve Resolution No. 2019-98-R. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion carried.

**RESOLUTION NO. 2019-129-R; REJECTING BIDS FOR PALMER ROAD SIDEWALK PROJECT**

Council Member Shaw moved to approve Resolution No. 2019-129-R. Council Member Powell seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion carried.

**RESOLUTION NO. 2019-134-R; APPROVING THE ACCEPTANCE OF WILLOW CREEK, PHASE 3 PART 1 INTO THE CITY OF MADISON MAINTENANCE PROGRAM**

Council Member Shaw moved to approve Resolution No. 2019-134-R. Council Member Powell seconded. After much discussion, Council Member Powell moved to table until June 10, 2019 regular

council meeting. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion carried.

**RESOLUTION NO. 2019-143-R; AUTHORIZING AN AMENDMENT TO AGREEMENT WITH HERITAGE PLANTATION HOA**

Council Member Shaw moved to approve Resolution No. 2019-143-R. Council Member Powell seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion carried.

**REVENUE**

**PROPOSED ORDINANCE NO. 2019-120; EXEMPTING CERTAIN COVERED ITEMS FROM THE MUNICIPAL SALES AND USE TAX DURING THE THIRD FULL WEEKEND OF JULY 2019 – JULY 19<sup>TH</sup> – JULY 21<sup>ST</sup> – GENERALLY REFERRED TO AS THE ‘STATE SALES TAX HOLIDAY’ (FIRST READING HELD MAY 13, 2019)**

Council Member Wroblewski moved to approve Ordinance No. 2019-120. Council Member Shaw seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**LEGAL**

**PROPOSED ORDINANCE NO. 2019-130; AMENDING PARKING REGULATIONS (FIRST READING HELD MAY 13, 2019)**

Council Member Powell moved to approve Proposed Ordinance No. 2019-130, amending it by removing Oakhurst Drive. Council Member Wroblewski seconded. The roll call vote taken was recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**RESOLUTION NO. 2019-144-R; OPPOSING SENATE BILL 264 REGARDING INSTALLATION OF SMALL WIRELESS FACILITIES IN CITY RIGHT-OF-WAYS**

Council Member Wroblewski moved to approve Resolution No. 2019-144-R. Council Member Shaw seconded. Council Member Clark stated that if this Bill were to pass municipalities would give up their right to control right-of-ways which would then force cities to purchase more right-of-way when improvements to infrastructure are needed. The roll call vote taken was recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**RESOLUTION NO. 2019-95-R; APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADISON, ALABAMA AND BRELAND HOMES, LLC FOR PROPERTY LOCATED AT THE WESTERN TERMINUS OF KYSER BOULEVARD (CONTINUED FROM APRIL 8, 2019 MEETING)**

Council Member Overcash moved to continue Resolution No. 2019-95-R to the June 10, 2019 regular council meeting. Council Member Powell seconded. The roll call vote taken was recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye

Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**PROPOSED ORDINANCE NO. 2019-137; AMENDING THE NOTICE AND BALLOT LANGUAGE WITHIN ORDINANCE NO. 2019-119 – SETTING ELECTION DATE FOR EDUCATION PROPERTY TAX INCREASE PROPOSAL (FIRST READING – REQUEST SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION)**

Council Member Powell moved to suspend the rules for immediate consideration of proposed Ordinance No. 2019-137. Council Member Shaw seconded. The roll call vote taken was recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

Upon suspension of the rules, Council Member Powell moved to approve Ordinance No. 2019-137. Council Member Shaw seconded. The roll call vote taken was recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Absent

Motion passed.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**BOARD AND COMMITTEE VACANCIES**

Council Member Clark informed the public that there are current vacancies on the Beautification-Tree Board and welcomed residents to apply on the city’s website or with the City Clerk-Treasurer Department.

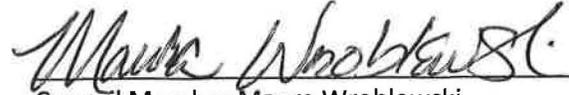
Having no further business to discuss Council Member Wroblewski moved to adjourn. The vote taken was recorded as follows:

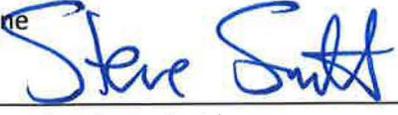
Council Member Maura Wroblewski	Aye
Council Member Steve Smith	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Aye
Council Member Tommy Overcash	Aye
Council Member Gerald Clark	Aye
Council Member John Seifert	Aye

Motion carried.

The meeting was adjourned at 7:14 p.m.

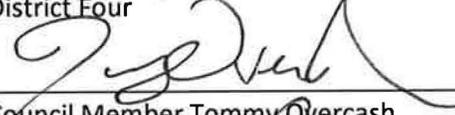
Minutes No. 2019-10-RG, dated May 28, 2019, read, approved and adopted this 10th day of June 2019.

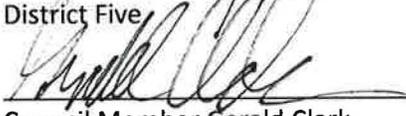
  
Council Member Maura Wroblewski  
District One

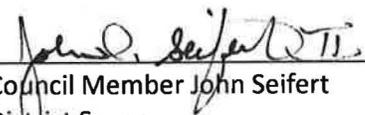
  
Council Member Steve Smith  
District Two

  
Council Member Teddy Powell  
District Three

  
Council Member Greg Shaw  
District Four

  
Council Member Tommy Overcash  
District Five

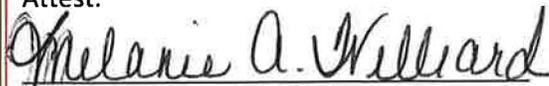
  
Council Member Gerald Clark  
District Six

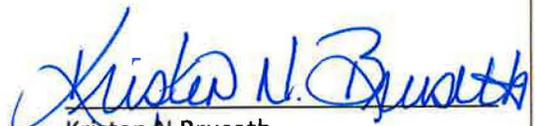
  
Council Member John Seifert  
District Seven

Concur:

  
Paul Finley  
Mayor

Attest:

  
Melanie A. Williard  
City Clerk-Treasurer

  
Kristen N Bruseth  
Recording Secretary