

MINUTES NO. 2009-24-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
OCTOBER 26, 2009

The Madison City Council met in regular session on Monday, October 26, 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 6:02 p.m. by Council President Tommy Overcash.

Pastor David Howard of Crosspointe Church provided the evening's invocation followed by the Pledge of Allegiance led by Council President Overcash.

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 Tim Holcombe	Present
Council District No. 2 Steve Haraway	Absent
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

Department heads in attendance were: City Clerk-Treasurer Melanie A. Williard, Assistant City Clerk-Treasurer Stacy A. Gilley, City Engineer Gary Chynoweth, Mayoral Aide Taylor Edge, Parks & Recreation Director Mike Cassell, Public Works Director Dana Stahl, Revenue Officer Cameron Grounds, Police Chief Larry Muncey, Planner Johnny Blizzard, Legal Assistant Lisa Bullock, Human Resource Director Terri Towry, and Building Director Cody Phillips.

Public Attendance registered: Joan and Bill Dawson, Betty Coleman, Gean Nelson, Brenda Willis, Rose Berry, Charlie Brown, Joe Gehrdes, Amy Furfori, Jon Howell, Dale Strong, Kate Gray, Lou Galipen, Kelly Butler, Curt Butler, Cory Brown, Major Lee Weaver, The McRae's, Sgt. Stringer, Danny Pettus, Adam Beasley, Miles Rowe, W.C. Fuller, Frank Riddick, Jane Brooks, and R. Hall.

AMENDMENTS TO AGENDA

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

ADDITION:

Resolution No. 2009-221-R under Council Member Holtzclaw's line of business.

APPROVAL OF MINUTES

MINUTES NO. 2009-23-RG, OCTOBER 12, 2009

Council Member Jennings moved to approve Minutes No. 2009-23-RG as amended. Council Member Holtzclaw 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

MINUTES NO. 2009-04-WS, OCTOBER 14, 2009

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

Motion carried

PRESENTATIONS AND AWARDS

GEAN NELSON, MADISON GARDEN CLUB, PRESENTATION REGARDING MADISON OLD CITY CEMETERY GARDENS

Gean Nelson of the Old City Cemetery Garden Committee gave a presentation on putting gardens in the old city cemetery. The group asked for \$2,500 to fund the project that will cover approximately 3.6 acres of land. The project would consist of three garden areas.

PRESENTATION OF POLICE OFFICE OF THE MONTH AWARD

Chief Muncey presented the Police Officer of the Month Award to the parents of Jamar Miles. Officer Miles was not present for the meeting as he is serving in Afghanistan. A round of applause and standing ovation was given for Officer Miles.

UPDATE FROM NORTH ALABAMA TRANSPORTATION FOUNDATION

Cory Brown Chairman of the North Alabama Transportation Foundation spoke to Council and gave an update of accomplishments for this year and also outlined goals for the coming year.

PUBLIC COMMENTS

There were no public comments listed on the agenda and Council received none from those in attendance.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$220,408.84
Gasoline Tax and Petroleum Inspection Fees	\$42,038.35
Series 2006 Bond Account	\$104,756.35
Library Building Fund	\$42,761.97

Federal Forfeiture \$8,310.97

Fire CPR \$250.93

Acceptance of donations to Madison Animal Rescue Foundation in the total amount of \$2,993.33

Resolution No. 2009-213-R authorizing the disposal or destruction of certain City Clerk-Treasurer and Municipal Court records

Acceptance of donation of 32" Toshiba LCD television to the Madison Recreation Department for Dublin Park from Delta Electric (estimated value \$400.00)

Resolution No. 2009-217-R authorizing a travel advance for Josh Gentry to attend K-9 training in Clanton, Alabama (funding from departmental budget)

Approval of payment to Skipper Consulting for work completed on Major Street plan (to be paid from Engineering Department budget) \$5,600.00

Approval of payment to Wilmer & Lee for legal services performed in Regards to Gillespie Road Extension (to be paid from Capital Improvement budget) \$508.00

Approval of payment to OMI, Inc. for construction services related to Balch Road Extension (to be paid from Capital Improvement budget) \$1,453.00

Approval of payment to Goodwyn, Mills and Cawood for additional Services related to rebid of Bradford Greenway Phase I (to be paid from Capital Improvement budget) \$3,060.00

Approval of payment to TeCorp, Inc. for installation of 4-way LED flasher at intersection of Gillespie and Balch Road (to be paid From Gas Tax Fund) \$9,250.00

Approval of payment to Reed Contracting for services rendered for Balch Road Extension (to be paid from Capital Improvement budget) \$8,863.16

Approval of payment to Smith Engineering for services rendered for Homestead Drainage project (to be paid from Capital Improvement Budget) \$1,377.50

Approval of payment to Wilson Lumber Co. for services rendered for Mill Road Improvement project (to be paid from Capital Improvement Budget) \$36.54

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 | Aye |
| Council Member Tommy Overcash | Aye |
| Council Member Larry Vannoy | Aye |
| Council Member Bill Holtzclaw | Aye |

Motion carried

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

RESOLUTION NO. 2009-214-R ACCEPTANCE OF THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FROM U. S. DEPARTMENT OF ENERGY IN THE AMOUNT OF \$156,900

Council Member Jennings moved to approve Resolution No. 2009-214-R. Council Member Holcombe 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

Mayor Finley announced that he received a letter of appreciation from Toyota for the City of Madison's support in the untimely death of one of their employees. A letter of thanks was also received from a builder who had a positive experience with several of the City's departments.

Mayor Finley reiterated that the City's noise ordinance will be enforced after receiving an e-mail from a concerned citizen about noise from car stereos.

Lastly, he advised that we should be hearing this week about the qualified school construction loan.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

DISCUSSION OF MADISON CHAMBER OF COMMERCE CONNECT 2010 EVENT

Kate Gray of the Madison Chamber of Commerce spoke with Council regarding the annual State of the City address. She advised that the City of Madison did not have a venue large enough to accommodate the number of people expected and suggested the event be held at the Davidson Center located at the Space and Rocket Center. It was the consensus of the Council to hold the annual State of the City address at the Davidson Center.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

Absent

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

UPDATE ON CITY \$5,000 MONETARY AWARD TO MADISON CITY SCHOOL SYSTEM FOR IMPROVING STUDENT NUTRITION

Council Member Jennings commented on the success of this program. Six Madison City Elementary Schools were recognized by the U.S. Department of Agriculture for outstanding nutrition environment which won them a Gold Award. The City of Madison's monetary award of \$5,000 was used to buy pedometers for the children. The School System is pleased as well and is applying for additional grant money and this will be an on-going year to year program.

COUNCIL DISTRICT NO. 4 TIM COWLES

No business to report.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

No business to report.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

No business to report.

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

**PROPOSED ORDINANCE NO. 2009-218 REPEALING AND REPLACING
ORDINANCE NO. 2002-33; CREATING POSITION OF CITY ATTORNEY AND
SPECIFYING DUTIES OF THAT POSITION (FIRST READING – SUSPENSION
OF RULES REQUESTED)**

Council Member Cowles moved to suspend the rules for immediate consideration of Proposed Ordinance No. 2009-218. Council Member Holcombe 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

Council Member Holtzclaw moved to adopt Ordinance No. 2009-218. Council Member Cowles 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

**RESOLUTION NO. 2009-219-R APPOINTING CITY ATTORNEY FOR THE CITY
OF MADISON**

Council Member Holtzclaw moved to approve Resolution No. 2009-219-R. 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

Following adoption of Resolution No. 2009-219-R, new City Attorney Kelly Butler was introduced. A round of applause was given.

**RESOLUTION NO. 2009-220-R APPROVING JOB DESCRIPTION FOR
APPOINTED POSITION OF CITY ATTORNEY**

Council Member Holtzclaw moved to approve Resolution No. 2009-220-R. Council Member Cowles 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	Aye

Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

RESOLUTION NO. 2009-221-R IN SUPPORT OF MADISON COUNTY COMMISSION RESOLUTION REQUESTING 2010 GUBERNATORIAL PLEDGE FOR ROAD FUNDING

Council Member Holtzclaw moved to approve Resolution No. 2009-221-R. 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

PUBLIC HEARINGS

None

DEPARTMENT REPORTS

REVENUE

RESOLUTION NO. 2009-215-R AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE RIVERTREE SYSTEMS AUDITING SERVICES CONTRACT

Council Member Jennings moved to approve Resolution No. 2009-215-R. Council Member Holtzclaw 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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

CITY CLERK-TREASURER

PROPOSED ORDINANCE NO. 2009-216 AUTHORIZING THE WATER AND WASTEWATER BOARD TO DISPOSE OF CERTAIN PERSONAL PROPERTY (FIRST READING – NO REQUEST FOR SUSPENSION OF RULES)

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

LEGAL

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

All were reminded that there will be a work session on Friday October 30, 2009 from 1:00 p.m. to 5:00 p.m. in the downstairs conference room to review and discuss the City's Capital Improvement projects.

ADJOURNMENT

Having no further business to discuss, Council Member Jennings made a motion to adjourn. The vote taken was recorded as follows:

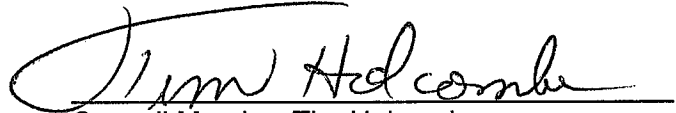
Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Absent
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

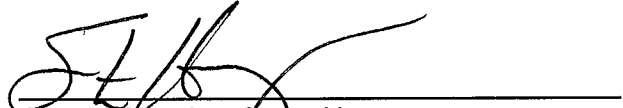
The meeting was adjourned at 7:15 p.m.

Signatures on the following page:

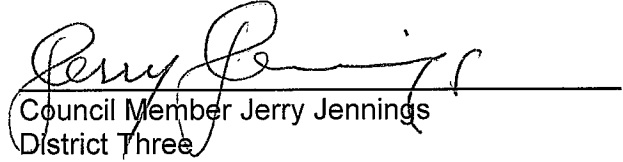
Minutes No. 2009-24-RG, dated October 26, 2009, read, approved and adopted this 9th day of November, 2009.



Council Member Tim Holcombe
District One



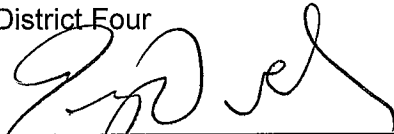
Council Member Steve Haraway
District Two



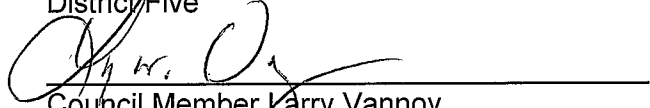
Council Member Jerry Jennings
District Three

Absent

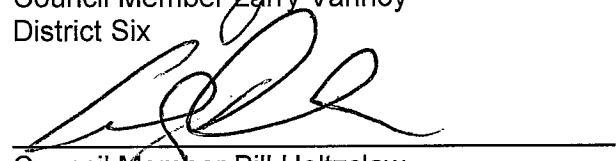
Council Member Tim Cowles
District Four



Council Member Tommy Overcash
District Five



Council Member Larry Vannoy
District Six



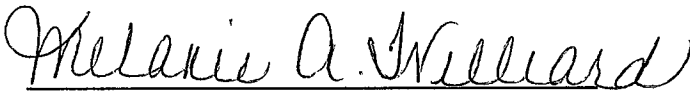
Council Member Bill Holtzclaw
District Seven

Concur:



Paul Finley
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer

Lisa Berry
Recording Secretary