

MINUTES NO. 2009-25-RG

OF A

REGULAR MEETING

OF THE CITY COUNCIL OF

THE CITY OF MADISON, ALABAMA

NOVEMBER 9, 2009

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

Pastor Lee Singley of Wall Highway Baptist 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	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	Present
Council District No. 7 Bill Holtzclaw	Present

Also in attendance were: City Clerk-Treasurer Melanie A. Williard, City Engineer Gary Chynoweth, 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, HR Director Terri Towry, Building Director Cody Phillips, Sgt. Steve Albright, License and Tax Examiner Gail Crum and Economic Development Liaison Amy Fufori.

Public attendance registered: David Hergenroeder, Vickie Sloup, Joe Gehredes, Deborah Ward, Larry Ward, Charlie Brown, Thomas Scovill, Cliff Lanhan, Joan and Bill Dawson, David Hackney, Dob Webster, Troy Wesson, Stephen Walker, Ben Johnston, David Peebles, Stan Steadman, Jeanne Steadman, Helen Townsend, Larry N. Stickles, Robert Hall, Phil Schmidt, Alison Callahan, Shrail Heimrich, Alex Isper, Sarah Sledge, Dee Voelkel, Terri Johnson, Steve Morgan, Lydia Davenport, Frank Riddick, Steve Burcham, Lynn Kronk, John Horch, Candy Horch, Lewie Bates, A. Beresford, John Allen, Ricky Robinson, Don Spence, Jr., Richard Anderson, Jr., Mitch Coley, Jerry Kronk, Judy Meiers, Bob Gustafsen, Candy Phillips, M. Patrice Marotta, Basia Marotta, Mary Fletcher, Mike Potter, Sally Warden, Tarou Thorpe, Ranae Bartlett, Bobby DeWolfe, Cary Hilton, Gene Pospicil, Cheryl Fitzgerald, Marc Jacobson, Krishna, Pam Wyatt, Vickie Parker, Joe Murphy, James Marden, Lizzie Palmer, R. Lott, Milton and Loretta Williams, Connie Spears, Brian Wiggins, Jennifer Few, Brenda Parker, Dale W. Strong, Larry Miles, W.C. Fuller, Brett Posey, Catherine Summer, Tim Morris, Robert Hall and three illegible signatures.

AMENDMENTS TO AGENDA

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

ADDITION:

Thomas Scovill, address Council on the subject of taxes under Public Comments.

David Hergenroeder, address Council regarding school funding under Public Comments.

REORGANIZATION OF COUNCIL

Council President Overcash opened the floor for nominations for the position of Council President.

Council Member Holcombe nominated Council Member Holtzclaw for the position of Council President. Council Member Haraway seconded. Council Member Vannoy moved to close the nominations. By acclamation, Council Member Holtzclaw was named Council President.

Council Member Holcombe nominated Council Member Jennings for the position of President Pro Tempore. Council Member Haraway seconded. By acclamation, Council Member Jennings was named Council President Pro Tempore.

Council President Holtzclaw made a recommendation that the following Council Members be re-appointed to the Finance Committee: Council Member Vannoy, Council Member Jennings, and Council Member Cowles.

Council Member Haraway moved to approve reappointment Council Member Jennings, Council Member Cowles and Council Member Vannoy to the Finance Committee. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

APPROVAL OF MINUTES

MINUTES NO. 2009-24-RG, OCTOBER 26, 2009

Council Member Overcash moved to approve Minutes No. 2009-24-RG. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

MINUTES NO. 2009-05-WS, OCTOBER 30, 2009

Council Member Overcash moved to approve Minutes No. 2009-05-WS. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

PRESENTATIONS AND AWARDS

DAVID SPILLERS, UPDATE ON MADISON HOSPITAL

David Spillers gave an update on the Madison Hospital. There will be a ground breaking on December 8, 2009. The plan is for the sixty bed hospital to be open for patients by February of 2012. The hospital will include an emergency facility that will be open 24 hours a day, seven days a week.

CAPZO CERTIFICATION RECOGNITION

Charlie Brown, the Chairman of the Planning and Zoning Commission, recognized the following people for obtaining their Alabama Planning and Zoning Official Certification: John Horch, Troy Wesson, Mike Potter, Lewie Bates, and Cameron Grounds.

ACCEPTANCE OF \$5000.00 FROM REPRESENTATIVE MIKE BALL FOR DOWNTOWN IMPROVEMENTS

Representative Ball presented Council with a check for \$5,000 from Alabama state money to support downtown economic development. Mayor Finley extended his thanks to Representative Ball for his efforts in securing this taxpayer money for the City of Madison.

PRESENTATION OF PROCLAMATION BY MAYOR DESIGNATING CIVIL AIR PATROL WEEK

Mayor Finley read the proclamation declaring the week of November 29th through December 5th 2009 as Civil Air Patrol Week.

PUBLIC COMMENTS

Thomas Scovill of 530 Highland Drive appeared before Council requesting that the City of Madison not accept the loan from Governor Riley for the new high school.

David Hergenroeder of 125 Coatbridge Lane appeared before Council stating that the City does need a new high school due to overcrowding and urged Council to pass the sale tax. He stated that the loan from Governor Riley presents an opportunity that we would not otherwise have.

Don Palmer of 168 Joe Phillips Road appeared before Council to say that the concentration should be on raising retail sales in order to bring more revenue into the City.

David Hackney of 125 Royal Drive appeared before Council proposing to let people vote on sales tax increase.

The following citizens spoke in favor of Proposed Ordinance No. 2009-222 levying a sales, excise or use tax in the City of Madison: David Hergenroeder of 125 Coatbridge Lane, Steve Burcham of 111 Stargate Dr., Walt Anderson of 1334 Slaughter Road, Marc Jacobson of 110 Stargate Dr., Larry N. Stickles, and Ed Collins of 303 Crownridge Dr.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$580,078.41
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Gasoline Tax and Petroleum Inspection Fees	\$41,133.25
Series 2006 Bond Account	\$37,257.21
Library Building Fund	\$218.37
Federal Forfeiture	\$2,238.20
Fire CPR	\$153.96

Acceptance of donation from HealthSource in the amount of \$214 (to be deposited into Fire Department Donation Account)

Acceptance of donation from Caroll J. Peck in the amount of \$17 (to be deposited into Fire Department Donation Account)

Resolution No. 2009-225-R accepting seized property (1-Gateway Laptop, Model #M-6750 with a value of \$700 and 1-Kodak color printer-Easyshare 5300 with a value of \$75) for use by the Police Department

Approval of payment to Reed Contracting for work completed on Eastview Drive Extension (to be paid from Capital Improvement budget) \$281,208.98

Approval of payment to JC Cheek for striping at intersections of Balch Road/Gillespie Road and Balch Road/Brownsferry Road (to be paid from Gas Tax Account) \$6,053.26

Approval of payment to Neel Schaffer for engineering services related to The bridge replacement on Brownsferry Road over Mill Creek (final invoice) (to be paid from Capital Improvement budget) \$2,500.00

Acceptance of Sanyo LCD HD television from Chappell Distributing, Inc. for use by Recreation Maintenance Division (approximate value \$400.00)

Resolution No. 2009-223-R approving the disposal or destruction of certain Planning & Building Department records as previously approved by the State Department of Archives & History

Approval of payment to the following vendors for services or materials Rendered for the Balch Road Extension project (to be paid from Capital Improvement budget):

United Rentals	\$31.51
Wilson Lumber	\$262.73
Vulcan Materials	\$1,468.64
Construction Materials	\$553.85
Robin Rents	\$140.00
Alabama Concrete	\$756.00
Turfgrass America	\$378.00

Resolution No. 2009-228-R declaring certain city property used by the Finance Department as surplus and of negligible value and authorizing its disposal

Acceptance of donation in the amount of \$3,885 from Madison Animal Rescue Foundation

Acceptance of donation in the amount of \$500 from Madison Guns and Ammo for Madison Rescue Foundation

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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

Mayor Finley noted that there were pictures of animals in the lobby that were adopted. Not one animal has been euthanized since the inception of MARF (Madison Animal Rescue Foundation). Mayor Finley expressed his appreciation for the work done by MARF.

Mayor Finley read a citizen letter commending Code Enforcement, namely Lisa Silver, for superior service. He also congratulated Jimmy Morgan for passing the test to obtain Certified Floodplain Manager.

Lastly, he announced that there will be a full report on the Paradise Apartments issue at the next Council Meeting.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

GRANTS AWARDED BY THE STREET FESTIVAL COMMITTEE, TO BE PRESENTED BY SHRAIL HEIMRICH

Council Member Holcombe, along with Shrail Heimrich and Brenda Parker presented grants totaling \$4,799.00 to the following organizations: Inside Out Ministries, Madison Senior Center, Huntsville Library Foundation, Madison Animal Rescue Foundation, Dublin Village Apartments, Old Madison Cemetery Garden Committee, The ALS Association Alabama Chapter, and Alabama Water Watch.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

No business to report.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

No business to report

COUNCIL DISTRICT NO. 4 TIM COWLES

Absent

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

No business to report

COUNCIL DISTRICT NO. 6 LARRY VANNOY

PROPOSED ORDINANCE NO. 2009-229 ADOPTING GENERAL OPERATING BUDGET FOR FISCAL YEAR 2009-2010

Council Member Vannoy moved to approve Ordinance No. 2009-229. 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	Aye

Council Member Bill Holtzclaw

Aye

Motion carried

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

Council Member Holtzclaw announced that November 10, 2009 is the 234th birthday of the United States Marine Corps and that the following day November 11, 2009 is Veterans Day.

PUBLIC HEARINGS

None

DEPARTMENT REPORTS

ENGINEERING

PROPOSED ORDINANCE NO. 2009-184 TRAFFIC CALMING REGULATIONS (FIRST READING 09/14/2009)

Following discussion, this item was tabled until the next Council meeting.

PROPOSED ORDINANCE NO. 2009-224 ACCEPTING PROPERTY FROM CROSSINGS DEVELOPMENT, LLC FOR USE AS INGRESS-EGRESS EASEMENT IN WHITWORTH FARMS PHASE I SUBDIVISION (FIRST READING)

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

APPROVAL OF PAYMENT TO M & D LAND DEVELOPMENT IN THE AMOUNT OF \$36,978.00 FOR THE REPLACEMENT OF DRAINAGE STRUCTURES IN TWO DRIVEWAYS ALONG MILL ROAD (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Jennings moved to approve payment to M & D Land Development in the amount of \$36,978.00. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

APPROVAL OF PAYMENT TO BAILEY LANDSCAPING, LLC IN THE AMOUNT OF \$34,425.34 FOR LANDSCAPING ALONG LIBERTY SQUARE AS PART OF GILLESPIE ROAD EXTENSION (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Jennings moved to approve payment to Bailey Landscaping in the amount of \$34,425.34. 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye

Council Member Bill Holtzclaw

Aye

Motion carried

RESOLUTION NO. 2009-230-R AWARDING BID NO. MED-23-09 FOR THE CONSTRUCTION OF EASTVIEW SIDEWALK PROJECT (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Overcash moved to approve Resolution No. 2009-230-R awarding Bid No. MED-23-09 to S J & L General Contractors in the amount of \$110,587. 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

REVENUE

PROPOSED ORDINANCE NO. 2009-222 LEVYING A SALES, EXCISE OR USE TAX IN THE CITY OF MADISON (FIRST READING)

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

PLANNING

ACCEPTANCE OF HARDIMAN PLACE PHASE 4 INTO THE CITY OF MADISON MAINTENANCE PROGRAM

Council Member Jennings moved to accept Hardiman Place Phase 4 into the City of Madison Maintenance Program. 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	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

RECREATION

RESOLUTION NO. 2009-226-R APPROVING THE RENEWAL OF AN AGREEMENT WITH SYSTEMS TECHNOLOGY FOR MONITORING, MAINTENANCE OF ALARM SYSTEM AT DUBLIN PARK AND ADDITION OF RADIO TO FIT REQUIREMENT OF 2 PHONE LINES FOR SYSTEM (FUNDING FROM DEPARTMENT BUDGET)

Council Member Haraway moved to approve Resolution No. 2009-226-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 Aye
Council Member Bill Holtzclaw Aye

Motion carried

RESOLUTION NO. 2009-227-R APPROVING THE RENEWAL OF AN AGREEMENT WITH SYSTEMS TECHNOLOGY FOR MONITORING, MAINTENANCE OF ALARM SYSTEM AT SENIOR CENTER AND ADDITION OF RADIO TO FIT REQUIREMENT OF 2 PHONE LINES FOR SYSTEM (FUNDING FROM DEPARTMENT BUDGET)

Council Member Haraway moved to approve Resolution No. 2009-227-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 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 10/26/2009)

Council Member Vannoy moved to approve Ordinance No. 2009-216. 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 Aye
Council Member Bill Holtzclaw Aye

Motion carried

LEGAL

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

W.C. Fuller of 101 Arden Circle appeared before Council to ask about a possible Capital Improvement Project.

Robert Hall of 127 Sunset Blvd., appeared before Council to ask about a newspaper article regarding a proposed Capital Improvement Project.

The residents were advised that the project in question is not on the approved/funded Capital Improvement project list and has not been discussed by Council.

ADJOURNMENT

Having no further business to discuss Council Member Overcash 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	Absent
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried

The meeting was adjourned at 8:01 p.m.

Signatures on the following page:

Minutes No. 2009-25-RG, dated November 9, 2009, read, approved and adopted this 23rd day of November, 2009.



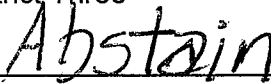
Council Member Tim Holcombe
District One



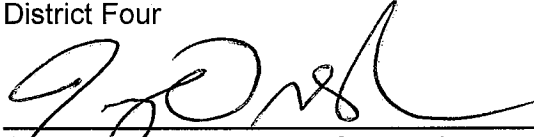
Council Member Steve Haraway
District Two



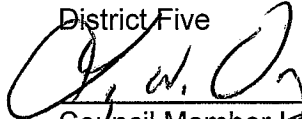
Council Member Jerry Jennings
District Three



Council Member Tim Cowles
District Four



Council Member Tommy Overcash
District Five

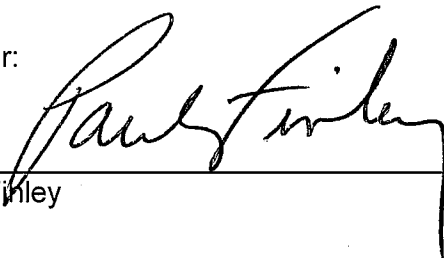


Council Member Larry Vannoy
District Six



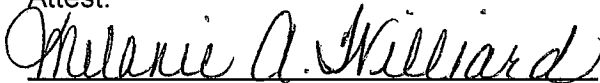
Council Member Bill Holtzclaw
District Seven

Concur:

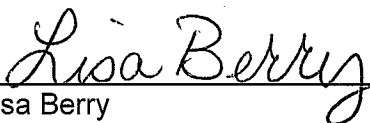


Paul Finley
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer



Lisa Berry
Recording Secretary