

MINUTES NO. 2009-28-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
DECEMBER 28, 2009

The Madison City Council met in regular session on Monday, December 28, 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 6:00 p.m. by Council President Bill Holtzclaw.

Pastor Kyle Massengale with Madison Church of Christ provided the evening's invocation. The Pledge of Allegiance was led by Council President Holtzclaw.

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	Present
Council District No. 5 Tommy Overcash	Absent
Council District No. 6 Larry Vannoy	Present
Council District No. 7 Bill Holtzclaw	Present

Also in attendance were: Chief Planner Johnny Blizzard, Parks & Recreation Director Mike Cassell, City Attorney Kelly Butler, Civil Engineer Greg Bates, Police Chief Larry Muncey, City Clerk-Treasurer Melanie A. Williard, Revenue Officer Cameron Grounds, Finance Director Lillie Causey, Amy Furfuri with the economic development firm of Houseal, Lavigne Associates, Building Department Director Cody Phillips, Madison Utilities Director Ricky Pounders and Recording Secretary Kristen N Bruseth

Public Attendance registered: Ed Collins, Larry M. Stickles, Berni Petek, Jim Petek, Wanda Becatti, Gary Becatti, Thomas Scovill, Connie Spears, Jennifer Few, Joe Gehrdes representing the Huntsville/Madison County Builders Association, Kevin Takada, Don Webster, Terri Johnson, Don Spencer, Jr., Lee I. White, Nancy E. Knox and W.C. Fuller

APPROVAL OF MINUTES

MINUTES NO. 2009-27-RG; DECEMBER 14, 2009

Council Member Vannoy moved to approve Minutes No. 2009-27-RG. Council Member Cowles seconded. The vote taken was recorded as follows:

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

Motion carried.

PRESENTATIONS AND AWARDS

AMY FURFORI; ECONOMIC DEVELOPMENT UPDATE

This past May the City entered into an agreement with Houseal, Lavigne Associates, for economic development services. Ms. Amy Furfori updated Council on her efforts in the past six months to bring new businesses to the City, assist current businesses with growth and expansion, assist in the redevelopment of the downtown area, and promote the City's business climate and quality of life.

PUBLIC COMMENTS

MR. THOMAS SCOVILL; RECENT SALES TAX INCREASE

Madison resident Tom Scovill appeared before Council to voice his displeasure in Council's recent vote to increase the City's sales tax rate by one-half percent. He believes they should have taken more time to vote on this issue rather than "steamroll" it through.

MR. ED COLLINS; QUASI-JUDICIAL ENFORCEMENT OF CODE VIOLATIONS

Mr. Collins, a resident of Madison, asked Council if they all received his recent email regarding this topic. After all stated that they had, he asked that this issue be added to their Action Item list as he believes it has merit.

PROPOSED ORDINANCE 2009-309, DON SPENCER, JR. REQUEST FOR REZONING OF PROPERTY FROM AG TO B2

The following residents spoke against the proposed commercial rezoning of property located east of Balch Road, north of Gillespie Road:

- Kevin Takada
- Jim Petek
- Larry Stickles
- Wanda Becatti

Mr. Don Spencer, Jr., the petitioner for the aforementioned rezoning, commented on the misinformation circulating in the neighborhood regarding this issue.

MR. LARRY STICKLES; RESOLUTION 2009-299-R, ANNUAL APPROPRIATION AGREEMENT WITH THE MADISON CHAMBER OF COMMERCE

Mr. Stickles suggested that Council request a report from the Chamber on their plans for the \$57,000 appropriation from the City and that said report be placed on the City's website for public information.

MR. LEE WHITE; INSTALLATION OF STREET LIGHTS ON NEW GILLESPIE ROAD EXTENSION

Mr. White suggested that Council think twice before agreeing to install lighting along the new portion of Gillespie Road, as it is mostly undeveloped land and that more lighting along developed areas of Gillespie should be considered.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$202,151.32
Gasoline Tax and Petroleum Inspection Fees	\$46,400.35
Series 2006 Bond Checking	\$163,840.32

Library Building Fund

\$3,136.90

Acceptance of donations for the Madison Animal Rescue Foundation in the amount of \$4,919.00

Approval of payment to Mid Land Development for work completed on Browns Ferry drainage improvements (to be paid from Capital Improvement budget)

\$84,517.81

Approval of payment to the following vendors for services rendered for the Homestead drainage project (to be paid from Capital Improvement budget)

- Tractor Supply Co. \$26.32
- Construction Materials \$480.00
- United Rentals \$2,000.51
- Trogers Group \$2,916.49
- Limestone Farmers Co-op \$118.18

Resolution No. 2009-315-R declaring certain city property as surplus (20 cell phones) and authorizing that they be donated to Hope Place

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

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

MAYOR'S REPORT

Mayor Finley thanked Mrs. Furfori for her informative presentation regarding economic development in the City. He also reported that Huntsville lost the bid to host the 2012 Bassmaster fishing tournament. As a result, Madison will receive a refund of the monies it put forth in an attempt to have the event held locally.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

BOARD REAPPOINTMENTS

MADISON STATION HISTORIC PRESERVATION COMMISSION

Council Member Holcombe moved to reappoint Ms. Ronica Ondocsin to Place No. 2 and Mr. Dennis Vaughn to Place No. 1 with terms to expire on December 22, 2012. Council Member Cowles 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

ZONING BOARD OF ADJUSTMENTS

Council Member Holcombe moved to reappoint Mrs. Betty Fletcher to Place No. 1 and Mr. Troy Wesson to Supernumerary Place No. 1 with terms to expire on December 31, 2012. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-314-R; MEMORANDUM OF UNDERSTANDING – PATRIOT ACADEMY FOR LEATHERTREE PARK BRIDGE CONSTRUCTION

Council Member Holcombe moved to approve Resolution No. 2009-314-R. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-299-R; APPROVING THE ANNUAL APPROPRIATION AGREEMENT WITH THE MADISON CHAMBER OF COMMERCE (CHAMBER OF COMMERCE 2010 AGREEMENT OF PRIORITIES)

Council Member Holcombe moved to approve Resolution No. 2009-299-R. Council Member Jennings seconded.

Council Member Cowles moved to allow Mr. Thomas Scovill to address Council regarding this issue. Council Member Vannoy seconded.

Mr. Scovill stated that he doesn't believe this is a good investment of the City's monies, as the Chamber would have to bring in over \$1,000,000.00 in order for the City to recoup the \$57,000 appropriation. Council President Holcombe explained that it is not the function of the Chamber to bring in new businesses.

The vote taken to approve Resolution No. 2009-299-R was recorded as follows:

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

Motion carried.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

No business to report.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

SENIOR CENTER EXPANSION COST STATUS

Finance Director Lillie Causey requested that Council reject all bids and authorize a rebid of the project as all 12 bidders submitted incomplete paperwork.

Council Member Jennings moved to reject all bids and authorize the rebid with a new scope of work on the project. Council Member Cowles 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 4 TIM COWLES

In 2004, Council approved Resolution No. 2004-298-R, designating December 15th of every year as "Bill of Rights Day" in the City. Council Member Cowles hoped that everyone observed this year's day in a manner that brought to mind the meaning and importance of each of the Ten Articles in the Bill of Rights which were ratified on December 15, 1791.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

Absent

COUNCIL DISTRICT NO. 6 LARRY VANNOY

No business to report.

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

COUNCIL ACTION ITEM LIST

Council Member Haraway asked that the quasi-judicial enforcement of code violations, as mentioned earlier in the meeting by Mr. Ed Collins, be added to the Action List. Council President Holtzclaw asked for Council sponsorship of the open items still on the Action List.

Council Member Holcombe moved to allow Mr. Ed Collins to speak on this subject. Council Member Haraway seconded. Mr. Collins addressed Council regarding the topic of Homeowner's Associations and covenants.

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

PLANNING DEPARTMENT

PROPOSED ORDINANCE NO. 2009-295; VACATING 0.5 FT OF A 15-FOOT UTILITY AND DRAINAGE EASEMENT ON LOT 8, BELMONT PLACE SUBDIVISION, PHASE 3 AS REQUESTED BY COTHREN HOME BUILDERS (FIRST READING – DECEMBER 14, 2009)

Council Member Jennings moved to adopt Ordinance No. 2009-295. Council Member Cowles 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-308-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2009-309, REZONING CERTAIN PROPERTY LOCATED EAST OF BALCH ROAD AND NORTH OF GILLESPIE ROAD FROM AG TO B-2 AS REQUESTED BY DON SPENCER, JR. (FIRST PUBLICATION 01/08/2010; SYNOPSIS 01/15/2010; PUBLIC HEARING 02/08/10)

Council Member Cowles moved to approve Resolution No. 2009-308-R setting a public hearing on Proposed Ordinance No. 2009-309. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-310-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2009-311, REZONING THREE CONTIGUOUS PARCELS OF PROPERTY LOCATED EAST OF BALCH ROAD, NORTH OF GILLESPIE ROAD AND WEST OF WALL TRIANA HIGHWAY FROM AG TO R-3A AS REQUESTED BY DON SPENCER, JR. (FIRST PUBLICATION 01/08/2010; SYNOPSIS 01/15/2010; PUBLIC HEARING 02/08/10)

Council Member Cowles moved to approve Resolution No. 2009-310-R setting a public hearing on Proposed Ordinance No. 2009-311. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

ACCEPTANCE OF BROWNS FERRY CROSSING, PHASE 2 INTO THE CITY OF MADISON MAINTENANCE PROGRAM

Council Member Haraway moved to accept Browns Ferry Crossing, Phase 2, in to the City's maintenance program. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

POLICE DEPARTMENT

RESOLUTION NO. 2009-313-R; AUTHORIZING AGREEMENT WITH INTERGRAPH FOR SOFTWARE UPGRADE

Police Chief Larry Muncey requested that Council take no action on this item tonight.

RESOLUTION NO. 2009-306-R; AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO FREQUENCY RECONFIGURATION AGREEMENT

Council Member Jennings moved to approve Resolution No. 2009-306-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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

ENGINEERING DEPARTMENT

APPROVAL OF INSTALLATION OF STREET LIGHTS ON NEW GILLESPIE ROAD EXTENSION (TO BE PAID FROM GAS TAX ACCOUNT \$18,000)

Council Member Holcombe moved to approve the installation of street lights on the Gillespie Road extension. Council Member Cowles seconded.

In regards to earlier comments made by Mr. Lee White, Council Member Haraway stated that several of the areas of Gillespie Road defined by Mr. White are in fact located in Madison County and not within our city limits.

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

Motion carried.

APPROVAL OF PAYMENT TO MADISON UTILITIES FOR THE FOLLOWING PROJECTS (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

- BROWNS FERRY ROAD \$24,000.00
- GILLESPIE ROAD \$40,420.00

Council Member Haraway moved to approve payment to Madison Utilities for the above mentioned projects. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

The City and Madison Utilities will meet to discuss rationale and ground rules for City payment for Madison Utility services for City capital projects.

CITY CLERK-TREASURER DEPARTMENT

PROPOSED ORDINANCE NO. 2009-293; AUTHORIZING THE WATER AND WASTEWATER BOARD TO DISPOSE OF ITS JEFF ROAD EIGHT (8") INCH WATER MAIN (FIRST READING – DECEMBER 14, 2009)

Council Member Jennings moved to adopt Ordinance No. 2009-293. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-305-R; AWARDING BID MED-10-09 TO S J & L GENERAL CONTRACTORS FOR THE CONSTRUCTION OF BRADFORD CREEK GREENWAY PHASE I IN THE AMOUNT OF \$1,068,263.82 (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Haraway moved to approve Resolution No. 2009-305-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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

LEGAL

LEGAL ACTION ITEMS

RESOLUTION NO. 2009-294-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MAYNOR, LLC FOR GOVERNMENT RELATIONS SERVICES

Council Member Jennings moved to approve Resolution No. 2009-294-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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-307-R; ACCEPTING DONATION FROM ALPHA FOUNDATION FOR MADISON ANIMAL RESCUE FOUNDATION

Council Member Jennings moved to approve Resolution No. 2009-307-R, accepting \$38,518.92 from the Alpha Foundation to be used for general operating expenses for the Madison Animal Foundation. 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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-312-R; SETTING A PUBLIC HEARING REGARDING A PROPOSAL FOR AN AD VALOREM TAX INCREASE FOR PUBLIC SCHOOLS AND PROVIDING FOR PUBLIC NOTICE THEREOF

Council Member Jennings moved to approve Resolution No. 2009-312-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	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

None

ADJOURNMENT

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

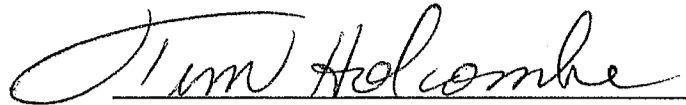
Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Aye
Council Member Jerry Jennings	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Absent
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

The meeting was adjourned at 8:25 p.m.

Signatures on following page.

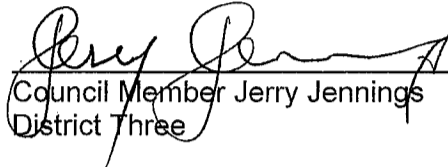
Minutes No. 2009-28-RG, dated December 28th, 2009, read, approved and adopted this 11th day of January 2010.



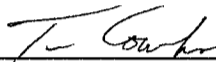
Council Member Tim Holcombe
District One



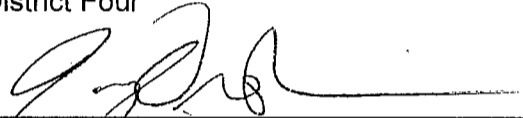
Council Member Steve Haraway
District Two



Council Member Jerry Jennings
District Three



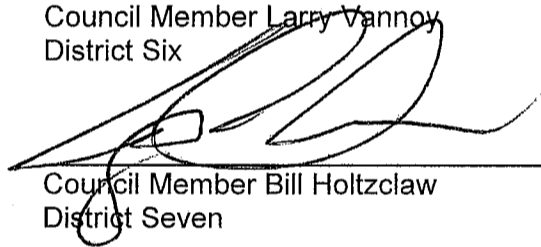
Council Member Tim Cowles
District Four



Council Member Tommy Overcash
District Five

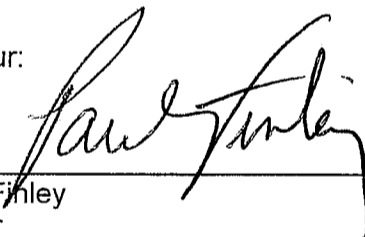
Absent

Council Member Larry Vannoy
District Six



Council Member Bill Holtzclaw
District Seven

Concur:

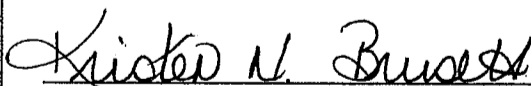


Paul Finley
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer



Kristen N. Bruseth
Recording Secretary