

MINUTES NO. 2010-08-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
APRIL 26, 2010

The Madison City Council met in regular session on Monday, April 26, 2010, 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 Holtzclaw.

Pastor E.R. Brannon 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	Absent
Council District No. 1 Tim Holcombe	Present
Council District No. 2 Steve Haraway	Present
Council District No. 3 Jerry Jennings	Absent
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

It was noted that Mayor Finley and Council Member Jennings are in Washington D.C. on City business.

Also in attendance were: Executive Assistant to the Mayor Taylor Edge, Court Clerk Rick Honea, Deputy Fire Chief Jeff Birdwell, Planner Johnny Blizzard, Building Director Cody Phillips, City Attorney Kelly Butler, Police Chief Larry Muncey, Finance Director Lillie Causey, Fire Chief Ralph Cobb, City Clerk-Treasurer Melanie A. Williard, Assistant City Clerk-Treasurer Stacy Gilley, Aquatics Director Chris Gareri, City Engineer Gary Chynoweth, Fire Battalion Chief Steve Perry, Fire Captain Brandy Moon, Fire & Rescue Drivers Scott Adams, Christopher Lee, Pete Mehok and Chad Menard and Recording Secretary Kristen N. Bruseth

Public Attendance registered: Amy Furfori with the economic development firm of Houseal, Lavigne Associates, Joe Gehrdes with Huntsville/Madison County Builders Association, Cary Hilton, Ed Collins, Jon Howell, Bea Horton, Leah Amos, Onelia House, Millard E. Moon, Ricky Robinson, Frank H. Riddick, Luke Wilson, Sherri Wilson, Steve Perry Family, Pete Mehok Family, Jennifer Few, Robert Hall, Gray Winn, Don Spencer Jr., W.C. Fuller, Michael Callahan and seven illegible signatures

AMENDMENTS TO AGENDA

Council President Holtzclaw announced the following amendments to this evening's agenda:

- o Addition to Consent Agenda: Acceptance of donation in the amount of \$100 from Sarah Yocom to be deposited into Police Donation Account

- o Deletion to Consent Agenda: Approval of payment to Limestone Farmers Co-op in the amount of \$669.96
- o Correction to Consent Agenda: Correction from two Insignia computer monitors to one Insignia computer monitor

Council voiced no objections to these amendments.

APPROVAL OF MINUTES

MINUTES NO. 2010-07-RG; APRIL 12, 2010

Council Member Haraway moved to approve Minutes No. 2010-07-RG. Council Member Overcash seconded. The vote taken was recorded as follows:

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

Motion carried.

PRESENTATIONS AND AWARDS

JORDAN MCRAE, BOB JONES HIGH SCHOOL DESTINATION IMAGINATION (DI) PROJECT OUTREACH GROUP; ADDRESS COUNCIL REGARDING THE UPCOMING CONCERT TO BE HELD IN CONNECTION WITH THE YMCA TO SUPPORT THE TEEN CENTER AT THE NEW YMCA

Ms. McRae, a Junior at Bob Jones High School, explained for the benefit of Council and all those in attendance that Destination Imagination is a way for students to solve problems creatively as an organization. DI's current project is to identify a need in the community and solve that need creatively. The students noticed a lack of a location for students and youth of the community to meet and spend time. They also found a need for a place for the arts; music, dance and art. DI was able to work on a youth space at the new YMCA currently under construction off of Hughes Road. A benefit concert will be held May 8th, 2010 at Insanity Skate Park in Madison to raise money to support the Teen Center.

Council President Holtzclaw urged Ms. McRae and Ms. Robin Dauma, DI's advisor at Bob Jones High School, to ensure that all the necessary authorizations for holding an outdoor concert have been obtained prior to the event.

Council President Holtzclaw invited Ms. McRae and her fellow members of the Destination Imagination group to appear before Council at a later date to present their recent activities and accomplishments.

JUNIOR ACHIEVEMENT; UPDATE COUNCIL ON SCHOOL ACTIVITIES

Ms. Leah Amos, President of Junior Achievement of North Alabama, updated Council on the 09/10 school year in the City of Madison.

RECOGNITION OF RECENT PROMOTIONS WITHIN THE FIRE DEPARTMENT: STEVEN PERRY TO BATTALION CHIEF, BRANDY S. MOON TO CAPTAIN, SCOTT M. ADAMS, CHRISTOPHER A. LEE, PETE J. MEHOK III AND CHAD I. MENARD TO DRIVER

Fire Chief Ralph Cobb presented to Council the following individuals from his department who have recently been promoted. They are as follows:

- Steven Perry promoted to Battalion Chief
- Brandy S. Moon promoted to Captain
- Scott M. Adams promoted to Driver

- Christopher A. Lee promoted to Driver
- Pete J. Mehok III promoted to Driver
- Chad I. Menard promoted to Driver

A round of applause was given.

PUBLIC COMMENTS

Public Comments are limited to five minutes each if the speaker requested to be added to the Agenda prior to deadline. Individuals requesting to speak at the meeting who did not make the agenda deadline are limited to three minutes.

BROWNIE TROOP NO. 10139, ADDRESS COUNCIL NEED FOR PROTECTED LEFT TURN LANE AT HIGHWAY 72/NANCE ROAD INTERSECTION

Members of Brownie Troop No. 10139 addressed Council regarding a need for a protected left turn lane at Highway 72/Nance Road intersection. City Engineer Gary Chynoweth informed the Troop that the traffic signal at that intersection is maintained by the City of Huntsville and the timing is set by the State of Alabama. Mr. Chynoweth added that the City of Huntsville is in the process of five-laning Nance Road from Highway 72 to Capshaw. This particular intersection will be improved when that project is complete. Mr. Chynoweth added that the City of Madison is coordinating with the City of Huntsville on this. Council Member Vannoy suggested that the Troop make their presentation to the City of Huntsville as well.

MR CARY HILTON, 112 OLD PROVENCE PLACE; ADDRESS ISSUE OF REZONING PROPERTY FROM RESIDENTIAL TO COMMERCIAL

Mr. Hilton made a presentation to Council regarding the issue of commercial zoning butting up against residential zoning. His subdivision, Heritage Provence, is located next to the Publix Shopping Center on County Line Road.

Since the shopping center has been built his subdivision has had to endure such nuisances as late night/early morning noise from parking lot sweepers and delivery trucks, and heavy delivery trucks taking short corners and damaging the landscaping at the entrance marquis to their subdivision. Mr. Hilton inquired as to whether the developer of the complex has complied with all requirements that were put into place when the property was approved for rezoning to commercial several years ago.

Council discussed the option of placing signs prohibiting commercial vehicles at the subdivision entrance. Mr. Hilton asked that Council take these issues into consideration when voting on any future commercial rezoning requests that adjoin residential zoning districts.

Council Member Haraway stated that the developer did agree to certain landscaping buffer modifications instead of the standard required by the City when they appeared before the Planning & Zoning Board. Council directed the Planning Department and Code Enforcement Divisions to look into whether or not the developer has complied with everything that was agreed upon at the time the rezoning was approved by Council.

MR TOM SCOVILL, 530 HIGHLAND DRIVE; ADDRESS COUNCIL REGARDING NEW BRAC LAW

Mr. Scovill was not in attendance.

MR WC FULLER, 101 ARDEN CIRCLE; COMMENTS REGARDING RECENTLY APPROVED RFP FOR MADISON MASTER PLAN

Mr. Fuller appeared before Council and voiced his opposition with the City's decision at the last regular meeting to hire an outside agency to prepare a Master Plan. It is still his belief that the taxpayers money can be put to better use by employing the services of the as yet to be hired city planner.

Mr. Donald Spencer, Jr. of 11369 Morris Drive, stated that he believes it is a good idea to outsource the preparation of a Master Plan so that the future growth of Madison

will not be driven by what he calls a "single mans ideology". When the Comprehensive Growth Plan of the early 1990's was created there was no collaboration with the business community or property owners. Mr. Spencer believes that every penny spent on the formulation of a Master Plan by an outside source will be well worth the money.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$525,251.35
Gasoline Tax and Petroleum Inspection Fees	\$13,214.38
Series 2006 Bond Checking	\$530,306.97
Library Building Fund	\$3,823.35
Water Distribution & Storage Projects	\$1,090.00

- o Approval of payment to the following vendors for materials/services supplied for the Mill Road improvement project (to be paid from Capital Improvement budget):

▪ Limestone Farmers' Co-Op	\$125.00
▪ Turfgrass America	\$2,200.50
▪ Thompson Tractor	\$660.00
▪ Turfgrass America	\$378.00
▪ Construction Materials	\$366.16

- o Approval of payment to the following vendors for materials/services supplied for Mill/Telluride/Whisperwood drainage project (to be paid from Capital Improvement budget):

▪ Lowes	\$13.96
▪ Loader Services	\$3,500.00
▪ United Rentals	\$168.96
▪ JW Kennedy	\$1,680.00
▪ Construction Materials	\$36.90
▪ Vulcan Materials	\$132.76
▪ JW Kennedy	\$1,785.00
▪ Vulcan Materials	\$1,686.68

- o Approval of payment to Fastenal for materials supplied for detention pond modifications (to be paid from Capital Improvement budget) \$41.88
- o Approval of final payment to M & D Land Development for work completed on Brownsferry drainage improvements (to be paid from Capital Improvement budget) \$31,771.58
- o Approval of payment to McDonald Brothers Construction, Inc. for work completed on Emerson Road extension project (to be paid from Capital Improvement budget) \$85,160.64
- o Approval of payment to Alabama Concrete Co., Inc. for materials supplied for Highway 72/Hughes Road intersection project (to be paid from Gas Tax Funds) \$119.00
- o Approval of payment to SJ & L General Contractors for work completed on Bradford Creek Greenway Phase I project (to be paid from Capital Improvement budget) \$27,122.50
- o Approval of payment to JC Cheek for temporary striping for Eastview Drive extension project (to be paid from Capital Improvement budget) \$1,726.55

- Approval of payment to Lowes for materials for Balch Road extension project (to be paid from Capital Improvement budget) \$1,252.82
- Acceptance of donation to the Fire Department Donation Account in the amount of \$100 from Gerald L. McKinsey
- Resolution No. 2010-109-R; approving a travel advance in the amount of \$120 for Daniel Weaver to attend training in Talladega, Alabama (to be paid from Police Department budget)
- Resolution No. 2010-110-R; approving a travel advance in the amount of \$80 for Josh Gentry to attend training in Florence, Alabama (to be paid from Police Department budget)
- Acceptance of seized equipment from Madison County Sheriff's Department (1 Vizio television and 1 Insignia computer monitor for use by the Police Department)
- Resolution No. 2010-104-R; authorizing the purchase of printers from State Contract No. T020 for the period April 11, 2010 to April 11, 2011
- Resolution No. 2010-106-R; authorizing the purchase of sign/blank sheets from State Contract T153 for the period from April 10, 2010 to April 10, 2011
- Resolution No. 2010-107-R; authorizing the purchase of traffic citation and complaint forms from State Contract T395 for the period February 24, 2010 to August 24, 2010
- Resolution No. 2010-108-R; authorizing the purchase of monitors, personal computers from State Contract No. T500 for period May 15, 2010 to May 14, 2011
- Approval of payment to Huntsville/Madison County Public Library for reimbursement of expenses for security systems for Madison Public Library (to be paid from Capital Improvement budget) \$9,158.20
- Resolution No. 2010-115-R; declaring certain city property as surplus and authorizing its disposal through GovDeals
- Resolution No. 2010-116-R; declaring certain city property as surplus and of negligible value and authorizing its disposal
- Acceptance of donation in the amount of \$100 from Sarah Yocom to be deposited into Police Donation Account

Council Member Cowles 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	Absent
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

Absent

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

No business to report.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

LIMESTONE COUNTY IMPROVEMENT DISTRICTS

City Attorney Kelly Butler informed Council that they have three options regarding this issue; move forward and administratively enforce the policy, rescind the policy Ordinance or direct her to write a Resolution to rescind the policy.

Mrs. Butler then explained what would happen if Council were to vote tonight to rescind the policy. Council Member Vannoy stated that he is not against rescinding the policy this evening but he was under the impression that a Resolution would be drafted rescinding the policy rather than simply voting this evening.

Council Member Cowles moved to rescind the policy and directed City Attorney Butler to draft a Resolution for the next regular meeting. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

Absent

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

RESOLUTION NO. 2010-114-R; APPROVING A LETTER OF AGREEMENT FOR PLANNING AND CONSULTING SERVICES WITH SLAUGHTER & ASSOCIATES, PLLC FOR REDISTRICTING SERVICES IN CONNECTION WITH THE 2010 CENSUS

Council Member Vannoy asked for a consensus from Council to move forward and bring a final draft agreement for redistricting services. Council President Holtzclaw stated that he'd like to see a cap placed on other direct costs such as travel and copies.

Council Member Vannoy moved to authorize himself and City Attorney Butler to further negotiate with Slaughter & Associates and bring a proposed contract to Council at a future meeting. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye

Council Member Bill Holtzclaw

Aye

Motion carried.

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

RUN THROUGH THE ROSES 10K EVENT

The first annual Run through the Roses 10K event will take place this Saturday, May 1 beginning at 7:00 a.m. Roads along the route will be closed from 6:45 am and will reopen at approximately 9:30 am. There will be a celebration the evening of the race featuring live music and an auction with proceeds going towards a Children's Living Library garden feature at the Madison Public Library.

DEPARTMENTAL REPORTS

ENGINEERING DEPARTMENT

RESOLUTION NO. 2010-96-R; APPROVAL OF AGREEMENT IN THE AMOUNT OF \$113,430 WITH FLORENCE & HUTCHESON FOR CONSTRUCTION ENGINEERING AND INSPECTION FOR HIGHWAY 72/WALL TRIANA INTERSECTION IMPROVEMENT PROJECT (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Haraway moved to approve Resolution No. 2010-96-R. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2010-111-R; APPROVAL OF AGREEMENT IN THE AMOUNT OF \$9,623 WITH OMI, INC. FOR GEOTECHNICAL STUDY AND SUBSURFACE EXPLORATION OF RAILROAD CROSSING AT COUNTY LINE ROAD (TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)

Council Member Haraway moved to approve Resolution No. 2010-111-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2010-112-R; DECLARING AN EMERGENCY AND AUTHORIZING REPLACEMENT OF MILL ROAD BRIDGE OVER BRADFORD CREEK (FUNDING SOURCE UNKNOWN)

Council President Holtzclaw asked City Engineer Gary Chynoweth if he has an idea of the money involved in replacing this bridge. Mr. Chynoweth stated that he contacted lafrate Construction, the same company that replaced the Mill Creek Bridge, to provide a cost on the same bridge construction at the Bradford Creek location. It would cost the City \$345,264.94 for a replacement arch, a box culvert crossing at that location would cost \$283,300 however the box culverts would not be large enough hydraulically.

Mr. Chynoweth stated that he hopes to negotiate downwards from the \$345,000 amount with lafrate Construction.

Council discussed the option of going out for bid on this project rather than declaring it an emergency and giving the project to a single source.

Council Member Cowles moved to authorize the solicitation of bids for the replacement of the Mill Road bridge with funding to come from the Capital Improvement budget. Council Member Overcash seconded. The vote taken was recorded as follows:

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

Motion carried.

COURT DEPARTMENT

RESOLUTION NO. 2010-113-R; APPROVING AN AGREEMENT WITH J & J REMODELING FOR RELOCATION OF SERVICE COUNTER AND INSTALLATION OF DOOR IN COURT DEPARTMENT OFFICE AREA (FUNDING FROM CORRECTIONS FUND)

Council Member Haraway moved to approve Resolution No. 2010-113-R. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

Council Member Vannoy asked Court Clerk Rick Honea if a portion of the corrections funds can be applied to the funds necessary to create a new parking lot to the north end of the parking lot at the municipal building. Mr. Honea stated that he'd have to look into that option as the State places restrictions on what the funds can be used for.

PLANNING DEPARTMENT

RESOLUTION NO. 2010-102-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2010-103 RELATING TO ZONING; AMENDING THE ZONING ORDINANCE TO REVISE THE COMMERCIAL ZONING DISTRICT SECTIONS (FIRST PUBLICATION 04/30/2010; SYNOPSIS 05/07/2010; PUBLIC HEARING 05/24/2010)

Council Member Haraway moved to approve Resolution No. 2010-102-R. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2010-26; REZONING CERTAIN PROPERTY LOCATED SOUTH OF HUNTSVILLE/BROWNS FERRY ROAD, WEST OF MORRIS DRIVE AND EAST OF BOWERS ROAD FROM AG TO R3A AS REQUESTED BY HOWARD GRAY WINN, JR. AND DARREN SIDES (FIRST READING 02/08/2010 -- TABLED AT 03/08/2010)

Council Member Cowles moved to adopt Ordinance No. 2010-26. Council Member Haraway seconded.

Mr. Winn, one of the petitioners, informed Council that if the City needs to table this item once again due to the improvement districts issue he would be ok with it. After further discussion, Council Member Cowles moved to amend his motion to include a 90-day time limit for the petitioners to comply with all applicable local ordinances in place. 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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

LEGAL

LEGAL ACTION ITEMS

RESOLUTION NO. 2010-118-R; ACCEPTING RIGHT-OF-WAY FROM CITY OF MADISON BOARD OF EDUCATION

Council Member Overcash moved to approve Resolution No. 2010-118-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	Absent
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

FIRST READINGS

PROPOSED ORDINANCE NO. 2010-119; VACATION OF A PORTION OF A SANITARY SEWER EASEMENT, LOT 1, ASBURY SUBDIVISION

This was considered a first reading.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

None

ADJOURNMENT

Having no further business to discuss, Council Member Haraway 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	Absent

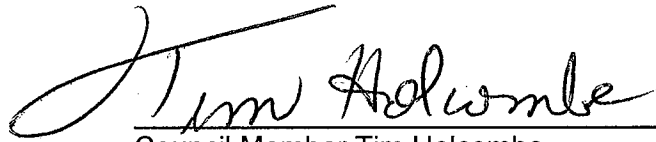
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

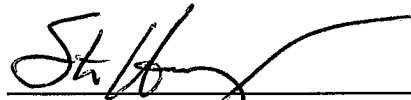
The meeting was adjourned at 7:40 p.m.

Signatures on following page.

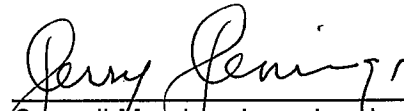
Minutes No. 2010-08-RG, dated April 26th, 2010, read, approved and adopted this 10th day of May 2010.



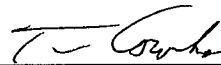
Council Member Tim Holcombe
District One



Council Member Steve Haraway
District Two



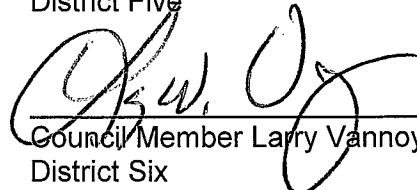
Council Member Jerry Jennings
District Three



Council Member Tim Cowles
District Four



Council Member Tommy Overcash
District Five



Council Member Larry Vannoy
District Six

ABSENT

Council Member Bill Holtzclaw
District Seven

Concur:




Paul Finley
Mayor

Attest:



Melanie A. Williard
City Clerk-Treasurer



Kristen N. Bruseth
Recording Secretary