

MINUTES NO. 2009-14-RG
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MADISON, ALABAMA
JUNE 22, 2009

The Madison City Council met in regular session on Monday, June 22, 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 6:01 p.m. by Council President Tommy Overcash.

Pastor David Howard with CrossPointe Church provided the invocation. The Pledge of Allegiance was led by Council Member Larry Vannoy.

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	Present
Council District No. 6 Larry Vannoy	Present
Council District No. 7 Bill Holtzclaw	Present

Also in attendance were: Assistant City Clerk-Treasurer Stacy Gilley, City Clerk-Treasurer Melanie Williard, Police Investigator Mike Shaneyfelt, Mayoral Aide Taylor Edge, City Attorney Anne-Marie Lacy, Revenue Officer Cameron Grounds, Parks & Recreation Director Mike Cassell, Director of Engineering Gary Chynoweth, Human Resources Director Terri Towry, Finance Director Lillie Causey, Public Works Director Dana Stahl, Deputy Fire Chief Jeff Birdwell, Police Major Lee Weaver

Public Attendance registered: Joe Gehrdes representing the Huntsville/Madison County Builders Association, Joe Murphy, Planning & Zoning Commission Chairman Charlie Brown, Bobby DeNeefe, Shawn Holcomb, Judy Ryals, Yvonne Boyington, Jennifer Moore, Charles Winters, Linda Jakobsen, Charlie Wilson, Frank H. Riddick, Yazmine Genousis, Connie Spears, Rob Allen, Don Palmer, Jon Howell, William L. Henderson

AMENDMENTS TO AGENDA

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

- Agreement for provision of fireworks; to be added to Departmental Reports ~ Parks & Recreation
- Acceptance of Millstone Phase I, into the City of Madison maintenance program to be added to Council Member Cowles line of business

APPROVAL OF MINUTES

MINUTES NO. 2009-13-RG; JUNE 8, 2009

Council Member Jennings moved to approve Minutes No. 2009-13-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	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Abstain
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATIONS AND AWARDS

None

PUBLIC COMMENTS

MS JUDY RYALS – CONVENTION & VISITORS BUREAU

RESOLUTION NO. 2009-121-R; APPROVING AN AGREEMENT WITH HUNTSVILLE/MADISON COUNTY CONVENTION & VISITORS BUREAU FOR ANNUAL APPROPRIATION

After introducing team members from the Convention & Visitors Bureau who were in the audience, Ms. Ryals updated Council on the organization’s current and future activities.

Council Member Jennings moved to approve Resolution No. 2009-121-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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

MR DON PALMER; SCHOOL FUNDING

Mr. Palmer was not in attendance when Public Comments were addressed.

MR. DAVID WILLSEY; CONCERNS REGARDING PROPOSED FIRE STATION CONSTRUCTION IN NEIGHBORHOOD

Mr. Willsey appeared before Council on behalf of residents in his neighborhood regarding the proposed construction of a new Madison Fire Station at the corner of Thomas Drive and Hughes Road. A hard copy of their concerns was presented to Council and will be attached to the Minutes.

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	\$268,463.16
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Gasoline Tax and Petroleum Inspection Fees	\$17,381.13
Series 2006 Bond Checking	\$14,515.88
Library Building Fund	\$42,183.53

Resolution No. 2009-130-R; authorizing a travel advance in the amount of \$775 for Wayne Kamus to attend Forensic Digital Photography training (to be paid from departmental budget)

Resolution No. 2009-131-R; approving the disposal of certain Police Department records

Resolution No. 2009-16-R; approving the disposal of certain Finance Department records

Approval of payment to Osborn & Associates Architects for services provided for Fire Station No. 2 (to be paid from Capital Improvement budget) \$11,025.00

Approval of payment to JW Kennedy for surveying services related to Balch Road extension project (to be paid from Capital Improvement budget) \$760.00

Approval of payment to Neel Schaffer for services related to Balch Road extension project (to be paid from Capital Improvement budget) \$2,500.00

Approval of payment to Neel Schaffer for services related to Balch Road extension project (to be paid from Capital Improvement budget) \$2,500.00

Approval of partial payment to Goodwyn, Mills and Cawood, Inc. for services related to the Bradford Creek Greenway Phase I \$5,200.00

Approval of payment to the following vendors for materials and services supplied to the Mill Road widening project (to be paid from Capital Improvement budget):

1)	ABC Cutting Contractors	\$150.00
2)	Hanson Pipe	\$552.00
3)	Keeling Co.	\$389.31
4)	Thompson Rental	\$1,357.68
5)	United Rentals	\$86.41

Approval of payment to the following vendors for materials and services supplied to the Balch Road extension project (to be paid from Capital Improvement budget):

1)	RSC Equipment Rental	\$372.00
2)	Robin Rents	\$689.00
3)	United Rentals	\$49.00

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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

RESOLUTION NO. 2009-126-R; AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF ENERGY IN THE AMOUNT OF \$156,900

Council Member Jennings moved to approve Resolution No. 2009-126-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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

UPDATE ON HUNTSVILLE HOUSING AUTHORITY INTEREST IN PURCHASING PROPERTY KNOWN AS PARADISE APARTMENTS

Mayor Finley reported on a recent meeting held with representatives of the Huntsville Housing Authority and various Madison City officials. The outcome of the meeting is that the Housing Authority will not purchase the Paradise Apartments property. Council directed Mayor Finley to set up an advisory committee to recommend whether or not it is in the best interest of the City of Madison to purchase the property and perform the necessary improvements.

ENFINGER STEELE DEVELOPMENT UPDATE

Mayor Finley stated that Enfinger Steele Development has retained appraisal services for the fifteen acres of property located adjacent to Palmer Park that was discussed at the June 8, 2009 meeting.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

No business to report.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

No business to report.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

EDGEWATER DRIVE REFURBISHMENT

At the request of Council Member Jennings, Public Works Director Dana Stahl gave a brief report on the status of the refurbishment of Edgewater Drive, which is approximately 22% complete.

COUNCIL DISTRICT NO. 4 TIM COWLES

ACCEPTANCE OF MILLSTONE PHASE, I INTO THE CITY OF MADISON MAINTENANCE PROGRAM

Council Member Cowles moved to approve acceptance of this subdivision, contingent upon all paperwork being complete. 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

BIKE SAFETY AWARENESS

As an avid bicyclist, Council Member Cowles requested that motorists mind cyclists who also use city roadways. As a side note, Council President Overcash reminded bicyclists to mind all traffic regulations, such as stopping at intersections and signaling for turns. Council asked Parks & Recreation Director Mike Cassell to look into how the City of Huntsville handles their public awareness campaign in regards to bicyclists.

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

PROPOSED ORDINANCE NO. 2009-123; ESTABLISHING THE SALARY FOR THE OFFICE OF CHIEF OF POLICE OF THE CITY OF MADISON

Council Member Holcombe moved to adopt Ordinance No. 2009-123. 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-124-R; APPOINTING POLICE CHIEF OF THE CITY OF MADISON

Council Member Cowles moved to adopt Resolution No. 2009-124-R appointing Mr. Larry Muncey as Police Chief, effective July 7, 2009. Council Member Holtzclaw 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

NOMINATIONS FOR ZONING BOARD OF ADJUSTMENTS

Council Member Holcombe moved to appoint David Aichele to Place No. 2, from Supernumerary Place 1, with a term expiration of December 31, 2011 and Dr. John Horch to Place 3, from Supernumerary Place 2, with a term expiration of December 31, 2011. 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

Council nominated Troy Wesson and Ted Whitney for appointment to Supernumerary Places 1 and 2 respectively. These appointments will be considered at Council's next regular meeting scheduled for July 13th, 2009.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

RESOLUTION NO. 2009-129-R; APPROVING AN AGREEMENT WITH HUNTSVILLE/MADISON COUNTY CONVENTION & VISITORS BUREAU FOR APPROPRIATION IN THE AMOUNT OF \$4,000 (TO BE PAID FROM DEPARTMENTAL BUDGET)

Council Member Vannoy stated that the Convention & Visitors Bureau will actively recruit to win the bid to host the 2012 Bassmasters Classic fishing tournament to be held in Huntsville. Economic benefits will be experienced by the City of Madison should Huntsville win the bid. The Resolution pledges the City's intent to appropriate \$4,000 per budget year, over the course of three years, towards the recruiting efforts for the event.

Council Member Vannoy moved to adopt Resolution No. 2009-129-R. Council Member Haraway seconded.

Council Member Holtzclaw asked for clarification of the appropriation, as the Resolution only states \$4,000, making no mention of a per year intent. Council Member Vannoy moved to amend his motion to adopt Resolution No. 2009-129-R by stating "three year commitment of \$4,000 per budget year". Council Member Haraway seconded the amendment. 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

Council Member Holtzclaw announced that a joint work session has been scheduled between the City Council and the Board of Education. It will be held Monday, July 6th at 6:30 p.m. at the central school board office located on Celtic Drive.

PUBLIC HEARINGS

REQUEST FOR AN ON-PREMISE BEER/WINE LICENSE FROM GOVARDHANA RESTAURANTS, INC. (DBA SPICE OF INDIA) FOR THEIR LOCATION AT 8716-B MADISON BOULEVARD

Council President Overcash opened the public hearing for comments from the public regarding this request. There being none, he then closed the public hearing.

Council Member Cowles moved to consent to the issuance of an on-premise beer/wine license for Govardhana Restaurants, Inc. doing business as Spice of India. 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

DEPARTMENTAL REPORTS

FINANCE DEPARTMENT

RESOLUTION NO. 2009-128-R; AWARDING RFP NO. 02-09 FOR CONSULTING SERVICES FOR ACTUARIAL STUDY OF OTHER POST RETIREMENT BENEFITS (OPEB) GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT 45 (ACCOUNTING AND FINANCIAL REPORTING BY EMPLOYERS FOR POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS) (AMOUNT NOT TO EXCEED \$10,000)

Council Member Jennings moved to approve Resolution No. 2009-128-R. Council Member Holtzclaw 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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATION OF AUDIT

Finance Director Lillie Causey presented the city's financial audit to Council.

ENGINEERING DEPARTMENT

RESOLUTION NO. 2009-132-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FLORENCE & HUTCHESON, INC. FOR ENGINEERING DESIGN AND SURVEY FOR WALL TRIANA WIDENING PROJECT ESTIMATED AT \$88,000

Council Member Cowles moved to approve Resolution No. 2009-132-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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PLANNING/BUILDING DEPARTMENT

ACCEPTANCE OF LAUREN PRESERVE INTO THE CITY OF MADISON MAINTENANCE PROGRAM

Council Member Haraway moved to accept Lauren Preserve into the City's maintenance program. Council Member Cowles seconded.

Madison resident Shawn Holcomb approached Council regarding drainage problems he's had on his property as a result of the development of Lauren Preserve. Mayor Finley and City Engineer Gary Chynoweth will look into the problem and report back to Council with their findings. Council Member Cowles withdrew his second. Motion therefore died for lack of a second.

FIRE

RESOLUTION NO. 2009-133-R; AUTHORIZING THE SUBMISSION OF GRANT APPLICATION FOR ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANT IN THE AMOUNT OF \$1,895.00 (WITH \$500,000 MATCHING CITY FUNDS)

Council Member Haraway moved to approve Resolution No. 2009-133-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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

PARKS & RECREATION

RESOLUTION NO. 2009-134-R; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PREMIER PYROTECHNICS, INC. FOR THE PROVISION OF FIREWORKS ON JULY 4, 2009

Council Member Holtzclaw moved to approve Resolution No. 2009-134-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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

LEGAL

LEGAL ACTION

PROPOSED ORDINANCE NO. 2009-111; ACCEPTING A UTILITY AND DRAINAGE EASEMENT ON LOTS 8, 10, 11, 12 AND 13 IN LAUREN PRESERVE (FIRST READING 06/09/09)

and

PROPOSED ORDINANCE NO. 2009-112; ACCEPTING A PEDESTRIAN RIGHT-OF-WAY ON LOT 16 OF LAUREN PRESERVE (FIRST READING 06/09/09)

and

PROPOSED ORDINANCE NO. 2009-113; ACCEPTING UTILITY AND DRAINAGE EASEMENT ON LOT 16 OF LAUREN PRESERVE (FIRST READING 06/09/09)

Council Member Haraway moved to table proposed Ordinance No.'s 2009-111, 2009-112 and 2009-113. 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	Aye

Minutes No. 2009-14-RG, dated June 22, 2009, read, approved and adopted this 13th day of July 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

Kristen N. Bruseth
Recording Secretary