

**MINUTES NO. 2009-04-RG**  
**OF A**  
**REGULAR MEETING**  
**OF THE CITY COUNCIL OF**  
**THE CITY OF MADISON, ALABAMA**  
**FEBRUARY 23, 2009**

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The Madison City Council met in regular session on Monday, February 23, 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 Tommy Overcash.

Fire Chief Ralph Cobb provided the invocation followed by the Pledge of Allegiance led by Council Member 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 Paul Finley	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: City Clerk-Treasurer Melanie A. Williard, Assistant City Clerk-Treasurer Stacy Gilley, Police Major Lee Weaver, City Attorney Anne-Marie Lacy, Parks & Recreation Director Mike Cassell, Aide to the Mayor Taylor Edge, Police Sergeant Steve Wilkerson, Fire Chief Ralph Cobb, Finance Director Lillie Causey, Human Resources Director Terri Towry, Engineering Director Gary Chynoweth, Police Animal Control Officer Donald Koch and Recording Secretary Kristen N Bruseth

Public Attendance registered: Joe Gehrdes with the Huntsville/Madison County Builders Association, Lindsay Stower, Larry M. Stickles, Maura Wroblewski, Ed Collins, Don Webster, Doris Lawler, Hae Y. Ross, Gayl D. Catt-Glenn, James Robert Dearman, \_\_\_ Sargent, George Ross, Hansoi Lee, Carl Holre, Jim Dearman, Bob DeFurio, Debra Weaver, John and Cathy Stower, Opie and Elbert Balch, Cary Hilton, Harold Lenz, David Peebles, Donna Mahieux, Annie Iverson, Mark Iverson, Ricky Robinson, Tom Florence, Franklin Riddick, David Jernigan, Don Palmer, Debbie Overcash, Pat Cross, Shrail Heinrich, Bruce Swanson, Joe Parrish, Christopher Seay, Lee A. Miller, Frank Cantrell, Don Spencer, Jr. and two illegible signatures

**ADDITIONS TO AGENDA**

The following items were added to this evening's agenda:

- Approval of payment to Machine Technology, LLC for repairs made to city equipment (to be added to Consent Agenda)
- Resolution No. 2009-51-R; approval of non-departmental appropriation agreement with Huntsville Botanical Garden (to be added to Mayor Finley's line of business)

- Acceptance of donation of 18-foot trailer, McCulloch Generator, Lunapro light set and John Deere Gator from the Department of Homeland Security (to be added to Police Department line of business)
- Approval to purchase 2009 Ford F-250 truck at a cost of \$28,270.58 from State Bid (to be added to Police Department line of business)

**APPROVAL OF MINUTES**

**MINUTES NO. 2009-03-RG; FEBRUARY 9, 2009**

Council Member Vannoy moved to approve Minutes No. 2009-02-RG. 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.

**PRESENTATIONS AND AWARDS**

**RECOGNITION OF RECENTLY RETIRED PUBLIC WORKS DIRECTOR SKIP ADKINS**

Mayor Finley and Council President Overcash publicly recognized Mr. Adkins for his years of service to the City of Madison. Mr. Adkins retired at the end of last year after serving as director since November 1989.

**PRESENTATION OF CERTIFICATES IN RECOGNITION OF OBTAINING EAGLE SCOUT STATUS**

Mayor Finley and Council President Overcash presented Certificates of Recognition to Andy Ross, Nicholas Hanson, James Robert Dearman, Abram Thomas and Anthony Weaver in recognition of obtaining Eagle Scout status. A standing ovation was given.

**PUBLIC COMMENTS**

**MS. LINDSAY STOWER; CITIZEN SUPPORT FOR ANIMAL SHELTER**

Ms. Stower appeared before Council to discuss citizen support for a new city animal shelter. It was a consensus of Council to establish an Advisory Committee to help facilitate this project.

**MS. DORIS LAWLER; COMMENTS REGARDING ANIMAL CONTROL**

Ms. Lawler stated that she is pleased with the concerned residents who are present this evening to show support for a new animal shelter. She also commended one of the animal control officers who is longer employed by the City.

**SPEED STUDY**

Mayor Finley informed all those in attendance regarding the speed study, which will be discussed further under his line of business, that Council will not be voting on it this evening.

Ms. Wroblewski, the Head Crossing Guard for the Madison City Schools, commented on the need for maintaining the reduced speed limits in all of the city's school zones. Madison resident Albert Balch recommended that the City look into the number of traffic accidents with injuries and fatalities when they are hammering out the details of the speed study.

## **POLICE CHIEF INTERVIEWS**

Madison residents W.C. Fuller, Ed Collins and Larry Stickles requested that the public be allowed to sit in on the police chief interviews which are anticipated to begin in 4 – 8 weeks.

## **MS. GAYL CATT-GLENN; ANIMAL WELFARE**

Ms. Catt-Glenn suggested that Council include an individual involved with animal welfare on the advisory committee for animal issues they agreed to create earlier in the meeting.

## **CONSENT AGENDA AND FINANCE COMMITTEE REPORT**

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

General Operating Account	\$689,615.10
Gasoline Tax and Petroleum Inspection Fees	\$8,755.52
Series 2006 Bond Checking	\$63,484.18
Library Building Fund	\$1,928.45
Municipal Government Capital Improvement	\$9,187.50

Acceptance of donation in the amount of \$50 from Nancy and Gene Jeunelot in memory of Richard Terwillinger (deposit into Recreation Donation Account)

Acceptance of donation in the amount of \$5 from Ellie Sudderth (deposit into Fire Department Donation Account)

Approval of payment to the following vendors for materials and/or services supplied for the Mill Road widening project (to be paid from Capital Improvement budget):1

○ First Commercial Bank	\$143.76
○ Hanson	\$336.00
○ Joe Money Machinery	\$1,300.00
○ United Rentals	\$1,095.21

Approval of payment to Joe Money Machinery for materials and/or services supplied for the Balch Road improvement project (to be paid from Capital Improvement budget) \$335.00

Approval of payment to Joe Money Machinery for materials and/or services supplied for the Wall Triana Improvement project (to be paid from Capital Improvement budget) \$670.00

Acceptance of donation for the proposed dog park in the amount of \$100 from Julia M. Hawk

Resolution No. 2009-49-R; declaring certain city property as surplus and of negligible value and authorizing its disposal

Approval of payment to Johnson & Associates for work completed on Balch Road widening project (to be paid from Capital Improvement budget)\$8,800.00

Approval of payment to TeCorp for crew and equipment to remove utility poles located at Browns Ferry Road and County Line Road (to be paid from Capital Improvement budget) \$1,575.00

Approval of payment to Wilmer & Lee for legal service performed on  
Bradford Creek Greenway Phase I (to be paid from Capital Improvement  
budget) \$1,035.00

Approval of payment to Florence & Hutcheson for engineering services related  
to the US 72 and Hughes Road intersection improvements (to be paid from  
Capital Improvement budget) \$2,300.00

Approval of payment to Machine Technology, LLC for repairs made to city  
equipment (to be paid from departmental budget) \$10,613.20

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.

## **PRESENTATION OF REPORTS**

### **MAYOR PAUL FINLEY**

#### **PROCLAMATION FOR ARBOR WEEK**

Mayor Finley read a proclamation declaring the week of March 2 – 7, 2009 as Arbor Week in the City of Madison and presented the proclamation to members of the Beautification-Tree Board. Board Member Debbie Overcash outlined activities that are being held that week by the Board.

#### **RESOLUTION NO. 2009-44-R; AUTHORIZING AN AGREEMENT WITH THE MADISON ARTS COUNCIL FOR THEIR ANNUAL APPROPRIATION**

Council Member Vannoy moved to approve Resolution No. 2009-44-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.

#### **MADISON CITY DISABILITY BOARD UPDATE**

Mayor Finley turned the floor over to his Executive Assistant Taylor Edge, who gave a brief update on the status of this board.

#### **MPO UPDATE**

Mayor Finley met with Huntsville Mayor Tommy Battle and Deputy Rex Reynolds last week, in which several topics were discussed, most notably the Metropolitan Planning Organization.

**RESOLUTION NO. 2009-47-R; APPROVING AN AGREEMENT WITH AT&T FOR MAINTENANCE FOR CISCO TELEPHONE SYSTEM**

Council Member Holtzclaw moved to approve Resolution No. 2009-47-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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**RESOLUTION NO. 2009-51-R; APPROVAL OF NON-DEPARTMENTAL APPROPRIATION AGREEMENT WITH HUNTSVILLE BOTANICAL GARDEN**

Council Member Jennings moved to approve Resolution No. 2009-51-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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**SPEED STUDY UPDATE**

Mayor Finley began by stating that he is not asking for Council to vote on anything this evening in regards to the speed study. The advisory panel created by Mayor Finley to review the city's speed limits consisted of members of the Engineering Department, Public Works Department, the Police Department, Mayor's Office, two council members and citizen representation.

At the request of Mayor Finley, City Engineer Gary Chynoweth explained for the benefit of Council and all those in attendance that recommendations for the study presented this evening are based on speed studies, traffic counts, on-street parking, number of driveways and conditions of the roadway.

The City will make this information public on its website and welcomes input prior to the regularly scheduled Council Meeting March 23<sup>rd</sup>.

**DISC GOLF AT DUBLIN PARK**

Mayor Finley informed everyone that all necessary equipment for disc golf at Dublin Park has been installed. He thanked Mr. Lavone Wolfe for his assistance with this project.

**COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

**MADISON STATION HISTORIC PRESERVATION COMMISSION**

The Commission's next meeting will be held March 4<sup>th</sup> where the bylaws and guidelines will be reviewed. On March 11<sup>th</sup> they will meet again and welcome public input regarding the proposed historic district boundary lines and guidelines with an anticipated date of March 23<sup>rd</sup> for presentation of said boundary lines to Council for approval.

**COUNCIL DISTRICT NO. 2 STEVE HARAWAY**

No business to report.

**COUNCIL DISTRICT NO. 3 JERRY JENNINGS**

**INTERGRAPH WAY PAVING**

Council Member Jennings stated that at that recommendation of City Engineer Gary Chynoweth Intergraph Way requires significant refurbishment. Mr. Jennings requested Council support for this project, which will be discussed in further detail under the Engineering Department line of business later in the agenda.

**COUNCIL DISTRICT NO. 4 TIM COWLES**

**PLANINNG & ZONING COMMISSION UPDATE**

The Planning & Zoning Commission recently recommended rezoning property for the purpose of developing apartments located on the Breland property which will utilize Intergraph Way and Lime Quarry roads for access. Council Member Cowles asked Mayor Finley and his staff to look at how the City concentrates apartments in certain parts of the city and how Council can perhaps revise ordinances to manage the overall density of high-density housing, keeping in mind cross-jurisdictional boundaries.

**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**

**UPCOMING SCHOOL BOARD APPOINTMENT**

Council Member Holtzclaw informed everyone in attendance that there is an upcoming term expiration on the Board of Education and added that applications will be accepted through March 31<sup>st</sup>.

**POLICE CHIEF INTERVIEWS**

Council Member Holtzclaw went on the record and stated that he is against public participation in the upcoming interviews for a new police chief.

**PUBLIC HEARINGS**

None

**DEPARTMENTAL REPORTS**

**ENGINEERING DEPARTMENT**

**PROPOSED ORDINANCE NO. 2009-40; PROHIBITING PARKING ON A PORTION OF BRIDGEFIELD ROAD AT WALL-TRIANA HIGHWAY (FIRST READING 02/09/2009)**

Council Member Haraway moved to adopt Ordinance No. 2009-40. Council Member Cowles seconded.

Madison resident Bruce Swanson stated that this was presented at their recent Homeowner's Association meeting and they are in support of it.

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. 2009-50-R; AUTHORIZING A PAVING CONTRACT IN THE AMOUNT OF \$49,000 WITH REED CONTRACTING**

Council Member Haraway moved to approve Resolution No. 2009-50-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	Nay
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Nay
Council Member Bill Holtzclaw	Nay

Motion carried.

**FIRE DEPARTMENT**

**RESOLUTION NO. 2009-45-R; AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE SERVICE CONTRACT WITH INTERGRAPH FOR FIRE DEPARTMENT MOBILE DATA TERMINALS (FUNDING FROM DEPARTMENTAL BUDGET)**

Council Member Jennings moved to approve Resolution No. 2009-45-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.

**RESOLUTION NO. 2009-46-R; AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE ACTIVATION AGREEMENT WITH ESRI, INC. (FUNDING FROM DEPARTMENTAL BUDGET)**

Council Member Jennings moved to approve Resolution No. 2009-46-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	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**PLANNING/BUILDING DEPARTMENT**

**PROPOSED ORDINANCE NO. 2009-48; AMENDING THE BUILDING PERMIT FEE SCHEDULE (FIRST READING)**

This was considered a first reading.

**ACCEPTANCE OF DONATION OF 18-FOOT TRAILER, MCCULLOCH GENERATOR, LUNAPRO LIGHT SET AND JOHN DEERE GATOR FROM THE DEPARTMENT OF HOMELAND SECURITY**

Council Member Haraway moved to accept the donations from Homeland Security. 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.

After further discussion, at the recommendation of Finance Director Lillie Causey, Council Member Jennings amended his earlier motion to accept these items by moving to approve Resolution No. 2009-52-R to accept donation of equipment from Department of Homeland Security. Council Member Haraway amended his second. 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.

**APPROVAL TO PURCHASE 2009 FORD F-250 TRUCK AT A COST OF \$28,270.58 FROM STATE BID (FUNDING FROM STATE FORFEITURE ACCOUNT)**

Council Member Jennings moved to authorize the purchase of a 2009 Ford F-350 truck. Council Member Haraway seconded. After further discussion, at the recommendation of Finance Director Lillie Causey, Council Member Haraway amended his motion by moving to approve Resolution No. 2009-53-R; approval to purchase 2009 Ford F-250 truck at a cost of \$28,270.58 from State Bid. Council Member Jennings amended his second. 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.



**CITY CLERK-TREASURER DEPARTMENT**

**RESOLUTION NO. 2009-42-R; REPEALING RESOLUTION NO. 2006-158-R; ADOPTING THE PURCHASING CARD POLICIES FOR THE CITY OF MADISON AND REPLACING WITH RESOLUTION NO. 2009-42-R TO ESTABLISH AND ADOPT POLICIES AND PROCEDURES FOR THE APPROVAL OF THE USE OF MUNICIPAL PROCUREMENT CARDS**

Council Member Jennings moved to approve Resolution No. 2009-42-R. Council Member Holtzclaw seconded.

Council Member Vannoy stated that he would like to see additional guidelines added and recommended that Council delay vote on this tonight.

Council Member Cowles moved to table Resolution No. 2009-42-R. Council Member Holtzclaw seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Nay
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**

**FIRST READINGS**

**PROPOSED ORDINANCE NO. 2009-43; VACATING A 5 FOOT UTILITY AND DRAINAGE EASEMENT IN ORDER TO WIDEN AND CONSTRUCT RETAINING WALL AT 138 KENSINGTON DRIVE**

At the request of the property owner, Council Member Cowles moved to suspend the rules for immediate consideration of proposed Ordinance No. 2009-43. 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.

Upon suspension of the rules, Council Member Cowles moved to adopt Ordinance No. 2009-43. 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.

**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	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 7:59 p.m.

Signatures on following page.

Minutes No. 2009-04-RG, dated February 23, 2009, read, approved and adopted this 9th day of March 2009.

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Council Member Tim Holcombe  
District One

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Council Member Steve Haraway  
District Two

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Council Member Jerry Jennings  
District Three

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Council Member Tim Cowles  
District Four

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Council Member Tommy Overcash  
District Five

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Council Member Larry Vannoy  
District Six

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Council Member Bill Holtzclaw  
District Seven

Concur:

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Paul Finley  
Mayor

Attest:

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Melanie A. Williard  
City Clerk-Treasurer

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Kristen N. Bruseth  
Recording Secretary