

**MINUTES NO. 2010-03-RG**  
**OF A**  
**REGULAR MEETING**  
**OF THE CITY COUNCIL OF**  
**THE CITY OF MADISON, ALABAMA**  
**FEBRUARY 8, 2010**

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The Madison City Council met in regular session on Monday, February 8, 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 Bill Holtzclaw.

Pastor Bill Boruff with Madison Baptist Church provided the evening's invocation. The Pledge of Allegiance was led by Council President Bill 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	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

Council President Holtzclaw stated for the record that Mayor Finley was absent from tonight's meeting in order to give him some much needed down time as he has been at the forefront of the recent shooting at Discovery Middle School this past Friday and has represented the City well. On behalf of Council, Council Member Holtzclaw thanked Police Chief Muncey, Fire Chief Cobb and his staff of professional responders, the School Board, School Leadership as well as the school volunteers. He added that this is a very tragic time in the City but the way it has been and continues to be handled is with the utmost professionalism. Council President Holtzclaw stated that the City will heal and move forward as a City.

Also in attendance were: Chief Planner Johnny Blizzard, Planner I Gina Romine, Director of Engineering Gary Chynoweth, City Attorney Kelly Butler, City Clerk-Treasurer Melanie A. Williard, Recreation Director Mike Cassell, Finance Director Lillie Causey, Revenue Director Cameron Grounds, Planning & Zoning Commission Chairman Charlie Brown, Building Director Cody Phillips, Police Chief Larry Muncey, HR Director Terri Towry, Assistant City Clerk-Treasurer Stacy A. Gilley and Recording Secretary Kristen N. Bruseth

Public Attendance registered: Bebe Oetjen, Larry M. Stickles, Ed Collins, Mike Potter, TC Smith, Karen Smith, Jane Dow, Dennis M. Weldy, Jason Bold, Sydney Holtzclaw, Tom Hutt, Cary Hilton, Terry Ann Sampson, John D. Seifart III, Wanda Becatti, Gary Becatti, Heidi Maloon, Claudia V. Rice, Norm Stanley, Bea Horton, John Hughes, Frida Hughes, Cana Farr, Walt Anderson, Erica Hobbs, Cindy Sensenberger, Miranda Cassell, Lori Teverin, Dan Bullock, Bev Bullock, Troy Wesson, Eric J. Bright, Darin Boyer, Thomas Scovill, Patricia Switzer, George & Sue Nelson, Frank Riddick, Pablo Nieves, Don Webster, Meng Wu, Don Spencer, Jr., John W. Lawrence, Rick Corn, Tim Morris,

Joe Murphy, Berni Petek, Jim Petek, Tracy Xu, Mark Henstock, Nicoletta Henstock, W. C. Fuller, Jason Cuneo and 13 illegible signatures

**AMENDMENTS TO AGENDA**

Council President Holtzclaw reported that the following amendments have been requested:

- o Acceptance of donation in the amount of \$25 from Faye and Levoy Smartt for use by the Animal Control (to be added to Consent Agenda)
- o Resolution No. 2010-34-R; approving a maintenance and technical support agreement with AT&T for the City's complete network infrastructure system (total \$27,314.64 to be paid from IT budget) (to be added to City Clerk-Treasurer Department line of business)
- o Deletion of Resolution No. 2010-27-R; requesting the Alabama Department of Transportation to install signalization at westbound I-565 exit ramp to northbound Wall Triana Highway (Engineering Department line of business)

**APPROVAL OF MINUTES**

**MINUTES NO. 2010-02-RG; JANUARY 25, 2010**

Council Member Jennings moved to approve Minutes No. 2010-02-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.

**MINUTES NO. 2010-01-WS; JANUARY 25, 2010 WORK SESSION**

Council Member Jennings moved to approve Minutes No. 2010-01-WS. 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.

**PRESENTATIONS AND AWARDS**

**CLAUDIA RICE, MADISON CITY DISABILITY ADVOCACY BOARD; UPDATE ON PROGRESS AND RESULTS OF RECENT SURVEY CONDUCTED**

Mrs. Claudia Rice, Chairman of the Madison City Disability Advocacy Board (MCDAB), reported on the findings of a recent survey they distributed to more than 40 locations throughout the City of Madison. Additionally, the survey was distributed to more than 770 students in the Madison City Schools who access special education services. As a result of the survey findings, MCDAB will create three subcommittees; Emergency Service Committee, Day Services Committee and a Housing Committee to further address the needs of the disabled community. Also, Mrs. Rice requested that Council grant MCDAB a seat on the Recreation Advisory Board (RAB). Council President Holtzclaw will review the originating Resolution for RAB and report back to her on how they can have representation on that board.

## **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.

### **MR THOMAS SCOVILL; SCHOOLS AND TAXES**

Madison resident Thomas Scovill appeared before Council on two issues this evening. Firstly, the issue of Resolution No. 2010-32-R; opposing the passage of any legislation proposing the exemption of prescription drugs from business license taxes based on gross receipts. He stated that he does not understand why members of the Council would belittle the residents for being concerned about pennies per day on a property tax increase yet at the same time would go out of their way to complain to the legislature about a paltry impact on the city's revenue. To be consistent, he believes the City should not petition the state legislature to vote down that legislation.

Secondly, Mr. Scovill addressed the anticipated revenues from the 8 Mill property tax revenue that will see \$27 million more than the Schools said they needed back in November and it brings in \$17 million more than they said they need now. He stated that the way to solve this problem is not to increase property taxes but to leave the current sales tax increase the way it is now for a period of three years and then three years from now raise it again from the .5% increase up to .8% increase and leave that for a few years which would then again take care of the issue. Afterwards, decrease the sales tax incrementally until it is once again back to the .5% rate at the end of the fifteen year period. Mr. Scovill believes that in doing it this way, the City could raise exactly what it needs and it wouldn't have to take an additional \$27 million or \$17 million away from the public. He asks Council to consider this option as it is consistent with proposed Resolution No. 2010-32-R later on in the evening.

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

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

General Operating Account	\$628,676.99
Gasoline Tax and Petroleum Inspection Fees	\$52,877.59
Series 2006 Bond Checking	\$75,288.08
Library Building Fund	\$41,817.28
TVA Tax Proceeds	\$51,169.16
Subdivision Cash Bond Account	\$1,500.00
Water Distribution & Storage Projects	\$2,753.50

- Resolution 2010-21-R; authorizing the disposal or destruction of certain Court Department records
- Acceptance of donation in the amount of \$200 from Robert B. and Unuk S. Harper, 201 Boulton Court (to be deposited into Fire Department Donation Account)
- Acceptance of donations to the Madison Animal Rescue Foundation in the amount of \$3,703.00
- Resolution No. 2010-22-R; declaring certain city property as surplus and authorizing its disposal
- Approval of payment to TeCorp, Inc. for work completed at Wall Triana Highway and Gooch Lane (to be paid from Gas Tax funds) \$2,000.00

- Approval of partial payment to Madison Utilities for utility relocation for Brownsferry Road drainage project (to be paid from Capital Improvement budget) \$9,497.47
- Approval of partial payment to M & D Land Development for work completed for Brownsferry Road drainage project (to be paid from Capital Improvement budget) \$73,173.58
- Approval of partial payment to Skipper Consulting, Inc. for work completed on Major Street Plan (to be paid from Engineering Department budget) \$350.00
- Approval of payment to McElroy Land Surveying Company, Inc. for topographical survey at Jetplex Circle (to be paid from Gas Tax funds) \$3,500.00
- Approval of payment to the following vendors for services rendered for the Homestead Drainage project (to be paid from Capital Improvement budget):
  - New Market Sod Farm \$751.25
  - P B S Services \$91.60
- Resolution No. 2010-30-R; authorizing the purchase of furniture from State Contract T390 – February 7, 2009 to February 6, 2011
- Resolution No. 2010-31-R; authorizing the purchase of cellular telephones from State Contract T301 – December 16, 2009 – December 15, 2010
- Acceptance of donation in the amount of \$25 from Levoy and Faye Smartt for use by the Animal Control Division

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	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**

#### **MAYOR'S REPORT**

Not in attendance

### **COUNCIL DISTRICT NO. 1 TIM HOLCOMBE**

No business to report.

### **COUNCIL DISTRICT NO. 2 STEVE HARAWAY**

Council Member Haraway thanked the Public Works Department for the quick response time to the request for equipment to be placed at Discovery Middle School and Bob Jones High School last week. He appreciates their attention to correcting the problem that was presented.

**COUNCIL DISTRICT NO. 3 JERRY JENNINGS**

No business to report.

**COUNCIL DISTRICT NO. 4 TIM COWLES**

Council Member Cowles asked Director of Public Works Dana Stahl if he plans on giving an update on the status of the Mill Road drainage issue. Director of Engineering Gary Chynoweth informed him that he will discuss this under his line of business later in the meeting.

**COUNCIL DISTRICT NO. 5 TOMMY OVERCASH**

No business to discuss.

**COUNCIL DISTRICT NO. 6 LARRY VANNOY**

No business to discuss.

**COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW**

**BOARD OF EDUCATION APPLICATIONS**

Council President Holtzclaw reminded the public that the City is seeking individuals interested in serving on the Board of Education. Applications will be accepted in the City Clerk-Treasurer Department through close of business on Friday February 26<sup>th</sup>. Applications will be reviewed and public interviews will be scheduled shortly thereafter.

**HEMSI BOARD APPOINTMENT**

Council President Holtzclaw informed Council that the City's representative on this board, former Council Member Bob Wagner, has a term that will expire shortly. Mr. Wagner is now Vice President of the HEMSI Board and as such the Board has expressed interest in having Mr. Wagner reappointed by Council.

Council Member Vannoy stated that typically this position has been held by a current member of Council and that he is interested in serving on this board. Council President Holtzclaw added that the Huntsville City Council also has a seat on this Board and they do not appoint a sitting member of their Council.

Council Member Cowles moved to reappoint Mr. Bob Wagner to the HEMSI Board for another five year term. 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	Nay
Council Member Bill Holtzclaw	Aye

Motion carried.

**PUBLIC HEARINGS**

**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 READING 12/28/2009)**

Chief Planner Johnny Blizzard explained the rezoning process to Council and all those in attendance followed by Planning & Zoning Chairman Charlie Brown who explained the legal process that the Planning Commission must go through when

rezoning requests come before them. He added that the Commission voted in favor of recommending this rezoning request with a vote of 6 – 2.

Council President Holtzclaw opened the public hearing for comments regarding this rezoning request. He reminded everyone that they would be allowed to speak for no longer than three minutes each.

Mr. Thomas Hutt, 220 Knotting Place; strongly suggested that Council delay vote on this item until the City has a unified development plan in place.

Ms. Erica Hobbs, 102 Tailwind Court; also requested that Council delay vote until a comprehensive plan is developed.

Mrs. Wanda Becatti, 100 Barrister Place; stated that she did not understand why spot zoning was suggested at the opposite corner of this location when Wiz Kidz, LLC requested their rezoning two years ago and she still does not understand why the City tonight is considering allowing commercial right in the middle of residential zoning. She requested that Council deny this rezoning request. Council Member Holcombe addressed two points Mrs. Becatti made in regards to Wiz Kidz. He reminded her that the Planning & Zoning Commission denied the B-2 zoning request at the southwest corner of Balch and Gillespie and as such it never made it to the Council for a vote. The plat has expired which necessitates that Wiz Kidz begin the process all over again for rezoning. He did add that what Wiz Kidz was seeking on the B-2 request was rezoned two months later to R-3A zoning so that entire area on the southwest corner is now zoned residential. As far as he knows, there are no plans at this point to reconsider rezoning from residential to B-2 zoning.

Mr. Jason Bold, 118 Tailwind Court; believes that the City must balance the rights of the petitioners with the needs of the residents in order to make Madison the best place to live. He also believes that before voting on this issue Council should develop an integrated comprehensive plan.

Ms. Alison Austin, 210 Knotting Place; requested that Council delay action this evening until a comprehensive plan is created and put into place.

Mr. Dennis Weldy, 101 Twelve Oaks Drive; believes the City should have a comprehensive plan prior to acting on this rezoning request.

Mrs. Tami Jassey, 103 Woodley Road; also would like to see a comprehensive plan in place prior to taking a vote on this rezoning request.

Mrs. Bebe Oetjen, Nolan Boulevard; reminded Council and all those in attendance that if it weren't for rezonings in this City, it wouldn't be what it is today and that it wouldn't have a population of nearly 40,000.

Mr. Junpeng Guo, 109 Gentry Court; asked that Council be prudent with this decision or delay vote because it is too hard to reverse a decision they might make in haste tonight.

Mr. Larry Stickles, 161 Amsterdam Place; asked each Council Member to report on how many emails or discussions they've had with residents regarding this issue and what the general opinion has been. Each member averaged approximately 8 – 10 emails, or were copied on emails sent to Council Member Holcombe whose district the property lies in, with the majority of the opinion being against the rezoning request. As a result of the general consensus of the residents who emailed them, Mr. Stickles asked that Council deny this rezoning request. Mr. Stickles also asked Council President Holtzclaw if he has received any petitions that were circulated amongst the residents in close proximity to the property. Mr. Holtzclaw did acknowledge receipt of the petitions which will be kept on file in the City Clerk-Treasurer Department.

After thirty minutes of public comments, Council President Holtzclaw closed the floor and allowed the petitioner, Mr. Don Spencer, Jr., to make a brief presentation. Mr. Spencer read aloud a letter he mailed to all residents within 500 ft. of this rezoning request. He stated that as a long time resident of the City, he too is concerned with preserving the quality of life. He also added that the City does in fact have a

comprehensive plan in place which can be found on the City's website. He then presented a conceptual site plan for the property which includes very dense buffering in the form of a high berm, development of a proposed community center, and a tree-lined back entrance into the proposed adjoining residential subdivision.

Council Member Vannoy asked Director of Engineering Gary Chynoweth what his thoughts are on the traffic concerns mentioned by several of the residents. Mr. Chynoweth stated that Balch Road is an MPO project and that funding for the design work is earmarked; as such it is difficult to give a timeline for the roadway project. He added that the design work does call for a roundabout at this intersection and Mr. Spencer's plan would fit in with this design. He also added as a side note, that traffic is affected mostly by residential development rather than commercial development. Council Members Holtzclaw, Haraway and Holcombe all stated that they are vehemently against a roundabout.

Council Member Jennings asked Mr. Blizzard that if Council were to table this request tonight and work on an updated comprehensive plan would the suggested use of this area still be the same as this evening's. Mr. Blizzard stated that in his opinion it would in fact be the same.

At the request of Council Member Holcombe, City Attorney Kelly Butler defined the term 'spot zoning' as it applies to this rezoning request. Mrs. Butler stated that courts differ in the definition of the term. There is no one answer as to what spot zoning is. Generally it is looked at on a case-by-case basis and they look at things such as the size of the land being rezoned, how many owners there are, and how many tracts are involved. It is a totality of the circumstances. Once this property is rezoned, if it is rezoned, it will then become part of whatever comprehensive plan develops. Council's choice to rezone this property would be a valid exercise of their authority based majorly on the fact that there have been so many changes in this area since the comprehensive plan was originally approved back in 1995. To rezone this property to B-2, in her legal opinion, would not be considered spot zoning.

Council Member Vannoy asked Mr. Blizzard if the area at the southeast corner of the intersection is in the city limits of Madison. Mr. Blizzard stated that it currently is located within Madison County and as such the City has no say in the zoning and what could be developed there.

Council Member Overcash stated that he understands the concerns of the citizens and that change is unsettling but he cited the Publix Shopping Center on County Line Road at Brownsferry Road. He reminded everyone that there was quite a bit of disagreement amongst the residents of the adjoining property but that most of those same people now shop at that location. Mr. Overcash thinks the concept presented this evening by Mr. Spencer would be a nice development for the adjacent neighborhood to walk to.

Council President Holtzclaw stated that this has been most intriguing and logical presentations were made to Council this evening. He stated that Mr. Spencer has said he's willing to table this request while Council develops a comprehensive plan but President Holtzclaw admitted that he wasn't sure how long it would take the City to develop such a plan.

At the question of whether or not to table this rezoning request, Council Member Jennings stated that since Mr. Blizzard anticipates the same zoning plan for this particular area even after a new comprehensive plan is created and since Mr. Spencer is committed to the plan he presented this evening he would like to see Council vote tonight on whether or not to allow the rezoning.

Council Member Cowles stated that he agrees with Council Member Jennings and therefore moved to adopt Ordinance No. 2009-309. Council Member Jennings 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  
Council Member Bill Holtzclaw

Aye  
Nay

Motion carried.

**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 READING 12/28/2009)**

Chief Planner Johnny Blizzard informed Council that this involves approximately 160 acres of undeveloped property. The developer and the Planning Commission both agreed on capping the units to be developed at 300. As such, the Planning Commission did vote unanimously to recommend the rezoning.

Council President Holtzclaw opened the public hearing for any comments regarding this rezoning request.

Mrs. Miranda Cassell, 225 Knotting Place; stated that she is concerned with the burden this proposed development would place upon the elementary school in the district and asked that Council consider voting against the request.

Mrs. Wanda Becatti, 100 Barrister Place; asked Mr. Spencer if he plans on developing the entire parcel at one time or if he will do it in phases. Mr. Spencer stated that more than likely he will build it in phases of 40 lots per phase/year. Mrs. Becatti also expressed concerns with the school and traffic burdens should this rezoning request be approved.

Mr. Jim Petek, 103 Kawana Court; stated that the density allowable on this particular piece of property is more in line with R-1B and wondered why Council would consider allowing more.

Mr. Bill Kuhn, 117 Glen Ives; thanked Mr. Spencer for wanting to retain some conservancy. He stated that he knows that the EPA is working hard to force the State to allow Mill Creek to successfully cross the extension to Gillespie Road. He asked Mr. Spencer to confirm his thinking that Mill Creek would be protected on the property to be developed. Mr. Spencer stated that his property does not drain to Mill Creek, which is a different drainage basin. Mr. Spencer's property drains to Bradford Creek.

Planning Commission Chairman Charlie Brown wanted Council and the public to be aware that even though the developer has stated that he hopes to build x number of houses in x number of years or months, in all actuality when a developer starts to build is dependent upon the market at the time.

Mr. Larry Stickle, 161 Amsterdam Place; mentioned the development of Foxfield Subdivision which was originally zoned R-2A zoning and after a number of homes were built they were allowed to build even larger homes on the lots. Planner Johnny Blizzard explained that Foxfield was developed as R-2A, it was platted and all the lots were in place. The developer, however, came back to the City later because of lot coverage and setbacks. Another issue was side-entry garages; R-3A zoning allows an eight foot setback on side yards which allows a little more room to utilize the side-entry garages. The developer didn't increase the property or the lot sizes nor did they re-plate the property, they simply asked for R-3A zoning which ultimately gave them more flexible setbacks and lot coverage. Mr. Stickle requested that Mr. Spencer not repeat what happened with Foxfield in requesting different zoning once development gets underway.

Mr. Stickle then asked if this property could be considered an improvement district. City Attorney Kelly Butler stated that the intent of the Ordinance that governs improvement districts right now only addresses property in Limestone County. That's not to say that improvement districts cannot be created elsewhere in the City however the intent currently is to focus on property within Madison City limits located in Limestone County.

Finally, Mr. Stickle asked Mr. Spencer what his plans are for the ingress-egress on Gillespie Road and Balch Road. Mr. Spencer stated that city code requires two



entrances; the first entrance which will be the main entrance will line up with Pennsylvania Avenue and there will be another entrance at the far east area of the property, with no entrances/exits on Balch Road.

Mrs. Carol Kuhn, 117 Glen Ives; asked Council if they intend to include green space in the land use plan they've been mentioning this evening. Council President Holtzclaw stated that the City does have extensive green space planning and interconnectivity throughout the City. Mr. Spencer added that his plans for this property include the development of a walking trail and improvement of a current farm ditch. Mrs. Kuhn, in closing, asked Council if it is normal to approve residential improvements prior to roadway improvements. Council Member Vannoy informed her that Alabama is a sales tax based state and as such money for improvements to infrastructure such as roads comes from sales tax from local businesses. The City very aggressively goes after grants and special loans to take advantage of governmental programs in order to build up infrastructure. Council Member Overcash added that the State does not allow municipalities to charge impact fees from developers.

Mr. Dennis Weldy, 101 Twelve Oaks Drive; thanked Mr. Spencer for appearing before Council and the public to present his plans for the two pieces of property. He asked Mr. Spencer how many homes he anticipates building in the area along Gillespie Road and where he anticipates leaving the conservancy area. Mr. Spencer again stated that he has agreed not to build in excess of 300 units; his plans currently call for approximately 278 homes and his intent is to leave the designated wetland bordering Brass Oak Subdivision untouched however the area near Gillespie Road will be developed.

Planning Commission Chairman Charlie Brown informed Council that before the Commission recommends a rezoning request they ask City Staff what the current and projected traffic counts are for each parcel before them. He added that this proposed development will not cause streets to be overloaded.

Mr. Tom Hutt, 220 Knotting Place; stated that he is in fact in favor of the proposed subdivision but still believes the traffic counts will increase and cannot see how they wouldn't when adding 300 new homes to an area when the average family has two vehicles. He added that he is disappointed with Council's earlier vote on Mr. Spencer's commercial rezoning.

Mr. Jason Bold, 118 Tailwind Court; stated that while he appreciates Mr. Spencer's communication this evening with both the residents and Council he believes the key items tonight are transparency and communication. He added that he thinks this issue requires proper planning as the previous rezoning request did.

Mrs. Bebe Oetjen, Nolan Boulevard; reiterated her earlier comments under Mr. Spencer's commercial rezoning request. Without the various rezonings of property over the past decades this City would not be what it is today. She added that she believes the petitioner has gone above and beyond what is necessary for a rezoning request.

After approximately forty minutes of discussion, Council President Holtzclaw closed the floor for further public comments.

Mr. Spencer stated that he believes his concept for this property is conducive to everything surrounding it and he addressed the schools, traffic and issue of transparency brought forth by several members of the public.

Council Member Overcash moved to adopt Ordinance No. 2009-311, with a dwelling unit cap of 300 single-family units. Council Member Cowles seconded.

Council Member Holcombe, whose district this property lies in, stated that misinformation has abounded in regards to this request. He appreciates the public input this evening and added that he has looked over the petitions presented to Council. The City has done everything required of it in regards to a rezoning request and has done it in a very transparent manner; from the beginning of the process once put before the Planning & Zoning Commission, advertised three times in a local newspaper and the public hearing this evening. Additionally, residents will once again have an opportunity to provide input once the plat is submitted for approval to the Planning Commission.

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. 2010-02-R; AWARDING PROPOSAL FOR MUNICIPAL MANAGEMENT SYSTEM**

Finance Director Lillie Causey stated that this request is for a fully integrated financial system to be utilized by the Finance Department, HR Department, City Clerk-Treasurer Department, and the Planning and Building Departments. Council Member Vannoy added that the Finance Committee does recommend this request.

Council Member Vannoy moved to approve Resolution No. 2010-02-R, in the amount of \$463,350. 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.

### **PLANNING DEPARTMENT**

#### **RESOLUTION NO. 2010-23-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2010-24, REZONING CERTAIN PROPERTY LOCATED SOUTH OF BROWNS FERRY ROAD, WEST OF MORRIS DRIVE AND EAST OF BOWERS ROAD FROM AG TO B-2 AS REQUESTED BY HOWARD GRAY WINN, JR. AND DARREN SIDES (FIRST PUBLICATION 02/12/2010; SYNOPSIS 02/19/2010; PUBLIC HEARING 03/08/2010)**

Council Member Overcash moved to approve Resolution No. 2010-23-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.

#### **RESOLUTION NO. 2010-25-R; SETTING A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 2010-26, REZONING CERTAIN PROPERTY LOCATED SOUTH OF BROWNSFERRY ROAD, WEST OF MORRIS DRIVE AND EAST OF BOWERS ROAD FROM AG TO R-3A AS REQUESTED BY HOWARD GRAY**

**WINN, JR. AND DARREN SIDES (FIRST PUBLICATION 02/12/2010; SYNOPSIS 02/19/2010; PUBLIC HEARING 03/08/2010)**

Council Member Cowles moved to adopt Resolution 2010-25-R. 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	Aye
Council Member Tim Cowles	Aye
Council Member Tommy Overcash	Aye
Council Member Larry Vannoy	Aye
Council Member Bill Holtzclaw	Aye

Motion carried.

**ENGINEERING**

**RESOLUTION NO. 2010-27-R; REQUESTING THE ALABAMA DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNALIZATION AT WESTBOUND I-565 EXIT RAMP TO NORTHBOUND WALL TRIANA HIGHWAY**

This item was removed from the agenda.

**APPROVAL TO FUND DESIGN OF RESURFACING PROJECT FOR COUNTY LINE ROAD STARTING AT MILL ROAD NORTH TO HIGHWAY 72 FOR INCLUSION IN POSSIBLE STIMULUS PACKAGE FUNDING (TO BE PAID FROM 2 CENT GAS TAX)**

Engineering Director Gary Chynoweth stated that the City has an opportunity to obtain federal funding for the resurfacing of County Line Road (Mill Road north to Highway 72) but in order to first qualify it must have a completed design ready for submission. The estimated cost to fund the necessary design is \$51,200 which can be paid from the 2 Cent Gas Tax account. Mr. Chynoweth added that if the City does not get the federal funding, the monies spent on the design would not go to waste as the City will have to repair the roadway eventually. On the other hand, if the funding is approved the City will only have spent \$51,200 on a project worth over \$700,000.

Council Member Vannoy moved to allow Mr. W.C. Fuller to address Council regarding this issue. Council Member Overcash seconded. Mr. Fuller asked Mr. Chynoweth what prevents the City from including on this project design the two bridges on Palmer Road that also require improvements. Mr. Chynoweth reported that due to the submission deadline for this project it would be impossible to complete the design if it were to include the bridges.

Council Member Cowles moved to approve funding in the amount of \$51,200 for the design of the resurfacing of County Line Road, from Mill Road north to Highway 72, with said monies to come from the 2 Cent Gas Tax account. 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.

**RESOLUTION NO. 2010-28-R; AUTHORIZING THE MAYOR TO SIGN AGREEMENT WITH MADISON UTILITIES REGARDING SCOPE OF WORK AND PAYMENT FOR WALL TRIANA HIGHWAY AND HIGHWAY 72 ROAD IMPROVEMENT PROJECT AND PAYMENT OF MATERIAL COSTS FOR SAME PROJECT (\$154,901.45 FOR SCOPE OF WORK AND PAYMENT FOR**

**PROJECT AND \$46,202.65 FOR MATERIALS COSTS FOR PROJECT TO BE PAID FROM CAPITAL IMPROVEMENT BUDGET)**

Director of Engineering Gary Chynoweth informed Council that the stimulus payment for this project did not include any utility relocation. As a result, Madison Utilities proposes the following cost estimate for the scope of work and materials costs:

Material cost (piping and fittings)	\$46,202.65
Equipment cost	\$34,560.00
MU Labor cost	<u>\$38,400.00</u>
SUBTOTAL	\$119,162.65

Optional Deductions:

Gravel (\$13/ton)	\$8,018.00
Concrete repairs	\$1,500.00
Seed and sod repairs	\$1,500.00
Trucking (\$65/hour)	\$5,200.00
Traffic Control	\$5,500.00
Asphalt repairs	<u>\$38,212.80</u>
SUBTOTAL	\$59,930.80

Total Cost Estimate \$179,093.45

Equipment discount (70% of FEMA rates) \$24,192.00  
Net Cost to City \$154,901.45

Additionally, Madison Utilities requires \$46,202.65 up front for materials costs. Council Member Haraway moved to approve Resolution No. 2010-28-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 WHISPERWOOD DRAINAGE ISSUE**

Director of Engineering Gary Chynoweth informed Council that the City can fix this problem relatively cheap by using in-house services through the Public Works Department. He stated that the biggest issue is that of homeowner fencing located on the City's easement.

Council Member Holcombe moved to allow Mr. Jason Cuneo to address Council regarding this issue. Council Member Cowles seconded. Mr. Cuneo stated that due to faulty drainage of stormwater on his property his fencing has been destroyed from the standing water and he now has mold in his crawl space.

Council President Holtzclaw asked for a town hall meeting to discuss with residents of Whisperwood the issue of fencing and landscaping on the city's easement in order to correct the drainage issue that several residents in this subdivision have. Council Member Cowles will visit the residents affected by this and have a full report for Council at their next regular meeting on the outcome.

Mr. Cuneo acknowledged that it would be his responsibility as a homeowner to have his fence reinstalled after the City performs the necessary drainage improvements along the easement.

**CITY CLERK-TREASURER DEPARTMENT**

**UPDATE ON AD VALOREM TAX COLLECTION IN LIMESTONE COUNTY FOR SCHOOL SYSTEM (10.5 MILLS AND 11 MILLS)**

City Clerk-Treasurer Melanie Williard informed Council that she has spoken with Limestone County Revenue Commission Brian Patterson in regards to the collection of the 10.5 and 11 Mill ad valorem taxes. He informed her that they will begin to forward the 10.5 mill ad valorem tax directly to the school system but requested that the 11 Mill ad valorem tax payments continue to be sent to the City until the beginning of the collection year which is October due to software improvements that would need to be made.

**RESOLUTION NO. 2010-34-R; APPROVING A MAINTENANCE AND TECHNICAL SUPPORT AGREEMENT WITH AT&T FOR THE CITY'S COMPLETE NETWORK INFRASTRUCTURE SYSTEM (TOTAL \$27,314.64 TO BE PAID FROM IT BUDGET)**

Council Member Cowles moved to approve Resolution No. 2010-34-R. 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	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 ITEMS**

**RESOLUTION NO. 2010-32-R; OPPOSING THE PASSAGE BY THE ALABAMA LEGISLATURE OF ANY LEGISLATION PROPOSING THE EXEMPTION OF PRESCRIPTION DRUGS FROM BUSINESS LICENSE TAXES BASED ON GROSS RECEIPTS**

City Attorney Kelly Butler stated that if this legislation is approved it will result in nearly \$45,000 in loss of revenues. Council Member Overcash added that the only ones who would benefit from this legislation are the pharmacies. Council Member Cowles stated that the amount of lost revenues may not seem like much but what it comes down to is home rule and future actions of interest groups. Council President Holtzclaw stated that this was introduced to legislature last year and failed.

Council Member Vannoy moved to approve Resolution No. 2010-32-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.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

**PROPOSED MEETING WITH LEGISLATORS TO DISCUSS FUTURE BILLS**

Council Member Vannoy requested that the City's leaders sit down with local legislators prior to them heading to Montgomery to discuss future laws that would affect the City of Madison.

**ADJOURNMENT**

Having no further business to discuss, Council Member Vannoy 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.

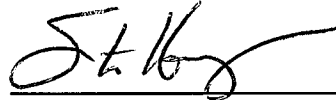
The meeting was adjourned at 9:52 p.m.

Signatures on following page.

Minutes No. 2010-03-RG, dated February 8th, 2010, read, approved and adopted this 22nd day of February 2010.



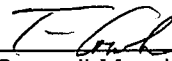
Council Member Tim Holcombe  
District One



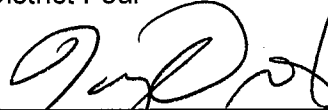
Council Member Steve Haraway  
District Two



Council Member Jerry Jennings  
District Three



Council Member Tim Cowles  
District Four



Council Member Tommy Overcash  
District Five

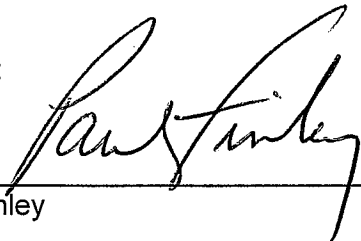


Council Member Larry Vannoy  
District Six



Council Member Bill Holtzclaw  
District Seven

Concur:

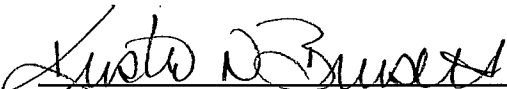


Paul Finley  
Mayor

Attest:



Melanie A. Williard  
City Clerk-Treasurer



Kristen-N. Bruseth  
Recording Secretary