MINUTES NO. 2009-24-RG

OF A

REGULAR MEETING

OF THE CITY COUNCIL OF

THE CITY OF MADISON, ALABAMA

OCTOBER 12, 2009

The Madison City Council met in regular session on Monday, October 12, 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 6:02 p.m. by Council President Tommy Overcash.

Pastor Lee Singley with Wall Highway Baptist Church provided the evening's invocation. The Pledge of Allegiance was led by Council President Tommy Overcash.

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	Absent
Council District No. 7 Bill Holtzclaw	Present

Also in attendance were: Chief Planner Johnny Blizzard, Director of Building Cody Phillips, City Attorney Administrative Assistant Lisa Bullock, Public Works Director Dana Stahl, Assistant City Clerk-Treasurer Stacy Gilley, City Clerk-Treasurer Melanie A. Williard, Fire Chief Ralph Cobb, Police Chief Larry Muncey, Economic Development Liaison Amy Furori with the Economic Development firm Houseal Lavigne Associates, Parks & Recreation Director Mike Cassell, Executive Assistant to the Mayor Taylor Edge and Recording Secretary Kristen N Bruseth

Public Attendance registered: Darrin Alexander, Keith Gilray, Su Duk Pak, Cindy (last name illegible), Mike Lemmer, Ken Stewart, Susan Taylor, Mary ellen Judal, Andrea (last name illegible), Jim Moon, Jennifer Few, Jackie Beard, Trudi Beard, Kayla Beard, Scott & Joni Haas, Tom and Julie Fronckowiak, Tracy Doughty, Claudia V. Rice, Danny Garcia, Ron Belz, Frank H. Riddick, Stacy Haraway, Charles Williams, Joan Dawson, Bill Dawson, Tim Smith, Ralph Brooks, Larry M. Stickles, Sue Daniels, Don Webster, Courtney Nixon, Connie Spears, Bruce Zeiger, Debbie Zeiger, Krysten Copeland, Alexander Daughtry, Tyler Lindau, Britany Smith and W.C. Fuller

APPROVAL OF MINUTES

MINUTES NO. 2009-22-RG; SEPTEMBER 28, 2009

Council Member Holtzclaw moved to approve Minutes No. 2009-22-RG. Council Member Holcombe seconded. The vote taken was recorded as follows:

Council Member Tim Holcombe	Aye
Council Member Steve Haraway	Abstain
Council Member Jerry Jennings	Aye

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

Motion carried.

MINUTES NO. 2009-09-WS; OCTOBER 6, 2009

Council Member Haraway moved to approve Minutes No. 2009-09-WS. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATIONS AND AWARDS

PRESENTATION OF FLAG

Madison Firefighter Jason Tidwell, who recently served in Iraq, presented an American Flag that was flown on May 19, 2009 aboard a USAF C-130 aircraft during combat missions over the skies of Iraq and Kuwait. The flag was presented to Mayor Finley and the City Council on behalf of Sgt Jason Tidwell, the men and women of the 737th Expeditionary Airlift Squadron and the crew of CROME 27, while deployed to Southwest Asia, supporting America's war on terrorism during Operation Iraqi Freedom and Operation Enduring Freedom.

PROCLAMATION; SPECIAL OLYMPICS DAY

Mayor Finley declared October 20, 2009 as "Special Olympics Day" in the City of Madison.

PROCLAMATION; INTELLECTUAL DISABILITY AWARENESS MONTH

Mayor Finley declared the month of October 2009 as "Intellectual Disability Awareness Month" in the City of Madison.

PROCLAMATION; CHILDREN OF DIVORCED PARENTS MONTH

Mayor Finley declared the month of October 2009 as "Children of Divorced Parents Month" in the City of Madison.

MADISON FIREFIGHTERS LOCAL 4566 – DONATION TO HAND-IN-HAND PLAYGROUND

Madison Firefighters Stacy Haraway and Charles Williams presented a $5,000 check to Kayla Beard and Claudia Rice, members of the Madison City Disability Advocacy Board, to be used towards the Hand-In-Hand playground at Palmer Park.

A round of applause was given.

PUBLIC COMMENTS

None

CONSENT AGENDA AND FINANCE COMMITTEE REPORT

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

General Operating Account	$860,507.91
Gasoline Tax and Petroleum Inspection Fees	$34,408.81
Series 2006 Bond Checking	$285,910.56
Subdivision Cash Bond	$7,500.00
Library Building Fund	$809.30
Fire CPR	$90.00

Acceptance of donation in the amount of $30 from Roger and Pamela Von Jouanne (to be deposited into the Fire Department Donation Account)

Acceptance of donation in the amount of $533.04 in memory of Shirley Robuck (to be deposited into the Senior Center Donation Account)

Resolution No. 2009-204-R authorizing a travel advance for Jerry Brunaugh and Leroy Jackson to attend the 2009 Annual Turfgrass Conference and Trade show (to be paid from Recreation Department budget)

Approval of payment to TeCorp for replacement of malfunctioning Loop at the intersection of Hughes Road and Will Halsey Way (to be paid from Gas Tax funds) $1,200.00

Approval of payment to Johnson & Associates for work completed on Balch Road Widening project (to be paid from Capital Improvement budget) $52,419.00

Approval of payment to Johnson & Associates for retainage on Balch Road Widening project (to be paid from Capital Improvement budget) $21,959.01

Approval of payment to Florence & Hutcheson for services rendered on the Wall Triana Widening project (to be paid from Capital Improvement budget) $18,304.00

Approval of payment to TeCorp, Inc. for reconfiguring Hughes Road/Mill Road intersection traffic signal (to be paid from Gas Tax Fund) $6,300.00

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

(1)	United Rentals	$458.91
(2)	Vulcan Materials	$1,172.44
(3)	Limestone Farmers Co-op	$125.00

Approval of payment to Robin Rents for services rendered for the Homestead Drainage project (to be paid from Capital Improvement budget) $50.00

Resolution No. 2009-206-R declaring certain Fire Department and Engineering Department property as surplus and of negligible value and authorizing for the property's disposal

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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY

MAYOR'S REPORT

UPDATE ON PARADISE APARTMENTS

Mayor Finley reported on the public meeting held this afternoon at City Hall regarding the Paradise Apartment issue. He stated that approximately 30 people attended the brief question and answer forum in what the City is looking for and how it will handle the situation. A committee consisting of Taylor Edge - Executive Assistant to Mayor, Council Members Tim Holcombe, Tim Cowles and Bill Holtzclaw, along with Director of Building Cody Phillips and Finance Director Lillie Causey was created to choose the winning proposal for the future of the property.

PROPOSED FY 09/10 BUDGET WORK SESSION

Mayor Finley reminded everyone in attendance that the Council will hold a public work session on Wednesday, October 14, 2009 beginning at 5:30 p.m. in Conference Room 130 of the Madison Municipal Complex.

COMMUNITY MEETING; REVENUE DEPARTMENT

This month's Community Meeting will focus on the Revenue Department. Mayor Finley invited anyone interested in learning more about the functions of the City's Revenue Department to Oh Bryan's Restaurant this Friday, October 16th, from 11:30 am until 12:15 pm.

STREET FESTIVAL

Mayor Finley reported on this year's Street Festival held Saturday, October 10th in downtown Madison. Council Members Tommy Overcash and Tim Holcombe added that this was the best Street Festival they've ever attended.

COUNCIL DISTRICT NO. 1 TIM HOLCOMBE

No business to report.

COUNCIL DISTRICT NO. 2 STEVE HARAWAY

REQUEST FOR FUNDING FROM BOB JONES TOUCHDOWN CLUB

The Bob Jones Touchdown Club submitted a request to the City for $1,000 to support for their Military Appreciation Night to be held Friday October 23 at the Madison City Stadium. The monies will be used to partially fund a fireworks display during a military tribute provided by the Bob Jones High School band. This year's activities will include a parachute demonstration by soldiers from Ft. Campbell Kentucky, a flyover during the national anthem and many displays from local military recruiters and ROTC units. Veterans from all branches of service going back to WWII who have faithfully served our country over the years will be in attendance.

Council Member Haraway stated that Mayor Finley has agreed to donate $500 from his budget for this annual event.

Council Member Haraway moved to authorize an expenditure in the amount of $500 from Council's Special Project account to the Bob Jones Touchdown Club for this event. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 3 JERRY JENNINGS

No business to report

COUNCIL DISTRICT NO. 4 TIM COWLES

No business to report

COUNCIL DISTRICT NO. 5 TOMMY OVERCASH

CITY ATTORNEY INTERVIEW UPDATE

Council President Overcash reported that Council interviewed four applicants for the position of City Attorney last week. Council President Overcash entertained a motion from Council to authorize the Mayor to negotiate with Ms. Kelly Butler for the position.

Council Member Haraway moved to authorize the Mayor to begin salary negotiations with Ms. Kelly Butler for the position of Madison City Attorney. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

COUNCIL DISTRICT NO. 6 LARRY VANNOY

Council Member Vannoy was not in attendance.

COUNCIL DISTRICT NO. 7 BILL HOLTZCLAW

HONOR FLIGHT AND HONOR FLAG EVENT

Council Member Holtzclaw announced that the next Honor Flight will take place on Saturday, October 24th. He added that there will be an Honor Flag event on Friday, October 23rd at 5:00 pm for individuals who have lost loved ones who served in the Military and would like their flag to be flown on Saturday in Washington in their honor. The flags will be returned safely to the families after the event.

The Honor Flight Network is a non-profit organization created solely to honor America's veterans for all their sacrifices. They transport our heroes to Washington, D.C. to visit and reflect at their memorials. Top priority is given to the senior veterans – World War II survivors, along with those other veterans who may be terminally ill.

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

ENGINEERING DEPARTMENT

PROPOSED ORDINANCE NO. 2009-198; ACCEPTING WARRANTY DEED FROM LIBERTY POINT DEVELOPMENT FOR GILLESPIE ROAD EXTENSION (FIRST READING 09/28/09)

Council Member Jennings moved to adopt Ordinance No. 2009-198. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-207-R; AWARDING BID NO. MED-21-09 FOR THE CONSTRUCTION OF THE BROWNS FERRY DRAINAGE IMPROVEMENTS

Council Member Haraway moved to approve Resolution No. 2009-207-R, awarding Bid MED-21-09 to M&D Land Development in the amount of $192,328.08. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

Council Member Haraway complimented the Engineering Department for the recent bridge work. He stated that the design and speediness of the projects are impressive.

BRADFORD CREEK GREENWAY STATUS

The Engineering Department is awaiting legal opinion on some of the outstanding issues that the Highway Department raised. He stated that there is a possibility that the City can award the project on the last bid.

POLICE DEPARTMENT

APPROVAL FOR THE PURCHASE OF A SECOND K9 AND RELATED EQUIPMENT FOR USE BY THE POLICE DEPARTMENT (FUNDING FROM FEDERAL FORFEITURE ACCOUNT)

Council Member Haraway moved to approve the purchase of a K9 and related equipment in the total amount of $11,080.49, to be paid from Federal Forfeiture 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

FIRE DEPARTMENT

RESOLUTION NO. 2009-205-R; ACCEPTANCE OF AMERICAN RECOVERY AND REINVESTMENT ACT ASSISTANCE TO FIRE FIGHTERS STATION CONSTRUCTION GRANT FROM FEMA IN THE AMOUNT OF $1,415,043

Council Member Jennings moved to approve Resolution No. 2009-205-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

PLANNING DEPARTMENT

PROPOSED ORDINANCE NO. 2009-193; ACCEPTING PROPERTY FROM DMP DEVELOPERS, LLC FOR USE AS UTILITY AND DRAINAGE EASEMENT AT MADISON EYE CARE & DENTAL CENTER (FIRST READING 09/28/09)

Council Member Haraway moved to adopt Ordinance 2009-193. 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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

CITY CLERK-TREASURER DEPARTMENT

RESOLUTION NO. 2009-208-R; APROVING AN ACH ORIGINATION AGREEMENT WITH FIRST COMMERCIAL BANK

Council Member Jennings moved to approve Resolution No. 2009-208-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-209-R; APPROVING A BUSINESS ONLINE AGREEMENT WITH FIRST COMMERCIAL BANK

Council Member Haraway moved to approve Resolution No. 2009-209-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-210-R; APPROVING A REMOTE EXPRESS DEPOSIT AGREEMENT WITH FIRST COMMERCIAL BANK

Council Member Jennings moved to approve Resolution No. 2009-210-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-211-R; APPROVING A REMOTE EXPRESS DEPOSIT LEASE AGREEMENT WITH FIRST COMMERCIAL BANK

Council Member Jennings moved to approve Resolution No. 2009-211-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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

RESOLUTION NO. 2009-212-R; DECLARING AN EMERGENCY AND AUTHORIZING REPAIRS TO PLEXIGLAS ROOF AT DUBLIN PARK

City Clerk-Treasurer Melanie A. Williard informed Council that the Plexiglas roof at Dublin Park pool must be replaced due to damage sustained from a storm. As this is being declared an emergency it is not necessary to bid out for the repairs. This resolution will authorize Custom Installers to perform the necessary repairs at a cost of $80,000.

Council Member Jennings moved to approve Resolution No. 2009-212-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	Absent

Council Member Bill Holtzclaw	Aye

Motion carried.

STATUS OF ROOF REPAIRS ON CITY BUILDINGS

City Clerk-Treasurer Melanie A. Williard informed Council that a bid has gone out for roof repairs to various city buildings that received storm damage last May. A pre-bid meeting will be held on October 22nd with bids being opened on November 12th.

LEGAL

None

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

INTRODUCTION OF ECONOMIC DEVELOPMENT LIAISON

Economic Development Officer Amy Furori introduced Mr. Dan Gardner, Market Analyst, to Mayor Finley and Council. Mr. Gardner is from the Chicago office of Houseal Lavigne Associates. He encouraged members of Council and Mayor Finley to meet with him while he is in town over the next two days.

COUNCIL MEMBER HOLTZCLAW; CITIZEN SUGGESTION

Council Member Holtzclaw commented on a recent citizen suggestion he received regarding a means for residents to forward comments and suggestions directly to Ms. Furori, the City's Economic Development Liaison, on businesses that would be a good fit to the community. As a result, it is now possible for residents to send an email to Ms. Furori via the City's website.

COUNCIL MEMBER TIM COWLES; PUBLIC RECOGNITION OF POLICE DEPARTMENT

Council Member Cowles thanked the Police Department for their quick and efficient resolution of an incident last Wednesday. Chief Larry Muncey thanked Mr. Cowles for his kind words and assured him that he'd pass this along to the officers involved.

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	Absent
Council Member Bill Holtzclaw	Aye

Motion carried.

The meeting was adjourned at 6:56 p.m.

Signatures on following page.

Minutes No. 2009-23-RG, dated October 12, 2009, read, approved and adopted this 26th day of October 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