

## **March 8, 2010**

The regular meeting of the Mayor and Council of the City of Madison was held Monday, March 8, 2010, at 5:30 PM at the City of Madison Municipal Building located at 1501 Fairgrounds Road. Present were the following: Mayor Gilbert; Mayor Pro Tempore Perriman; Council Members Blanton, Hunt, Naples, and Booth; City Manager Nunn; City Clerk Thomas; Planner Callahan; Project Coordinator Huff; and City Attorney Reitman.

The meeting was called to order by Mayor Gilbert.

The pledge of allegiance was led by one of the members of the City Council.

**Approval of Minutes of Previous Meetings** – Council Member Naples motion to approve the minutes of February 22, 2010, as presented. Perriman second. Opportunity for discussion. Vote unanimous. The motion carries.

**Approval of Order of Agenda** – Mayor Gilbert said there are no changes to agenda. Council Member Naples asked about Item X-A ( Request for Amendment to Code of Ordinances – Bed & Breakfast). Attorney Reitman explained that this amendment implicates zoning requirements. He said this should be routed through zoning. He said public comment will be allowed through public hearings at the Planning Commission meeting and at the Mayor and Council meeting. He recommended that Mayor and Council keep a level playing field and follow the zoning protocol. This will allow for public comments at the proper time which is the Planning Commission meeting and the Mayor and Council meeting that will follow the Planning Commission meeting.

### **Zoning Hearings**

**Text Amendment – Allow Bookstores in P2** – Mayor Gilbert opened the public hearing. Planner Jaeck said the Planning Commission had voted 7 in favor and one abstention to recommend the text amendment allowing bookstores in P2. Jaeck reported the abstention was because the individual's employer owned the building in which the bookstore was located. Jaeck said the Planning Commission discussed the accessory uses and agreed with the uses outlined in the staff report. He said they did discuss the structure and Jaeck said this had been addressed by the fire marshall and code enforcement. Mayor Gilbert offered an opportunity for comments in favor of the text amendment. Council Member Naples asked Tonge if he understood the parameters that he had proposed as accessory uses for the bookstore. Tonge acknowledged that he did, and Naples reviewed the uses for the public. Tonge also confirmed that he had agreed to abide by the building and fire codes. Tonge said they were working with the fire marshall. Mayor Gilbert offered an opportunity for additional comments in favor of or against the text amendment. With no further comments, Mayor Gilbert closed the public hearing.

Council Member Naples motion to approve the text amendment to allow bookstores in P2 inasmuch as all the standards have been satisfied. Blanton second. Council Member Naples asked Tonge about the café food prepackaged **individual** serving items. He asked if his agreeing to prepackaged **individual** serving items would eliminate his sales of gallons of milk. He said he would like to sell this, but if he cannot under these parameters, then he would not. After discussion, Council Member Naples amended his motion under the #1 accessory use to read: "with food produced off site and sold as prepackaged individual servings and sales of Morgan County milk products." Blanton agreed to amendment. Vote unanimous. The motion carries.

### **Legal Matters**

**Resolution - Joint Comprehensive Plan – Capital Improvements Element including Financial Report – Annual Update (Impact Fee Program)** – Planner Callahan reviewed the report and noted minor changes that had been made since distribution. Callahan read several sentences that were added at the bottom of page 2 for clarity. The addition was "Following adoption of an Impact Fee Ordinance in April of 2009, the City of Madison began collecting impact fees on July 1, 2009. The 2010 Annual Report reflects the last completed fiscal year, which ended on June 30, 2009 – the day before impact fee collections began. Thus, for the first annual financial report, there is no impact fee income to report." Bill Ross with ROSS + associates was present to answer any questions. Mayor Gilbert opened the public hearing. Mayor Gilbert gave an opportunity for comments in favor of or against the Joint Comprehensive Plan – Capital Improvements Element including Financial Report Annual Update. With no comments, Mayor Gilbert closed the public hearing. Council Member Booth motion to approve the resolution to transmit the Joint Comprehensive Plan – Capital Improvements Element including Financial Report annual update. Council Member Perriman second. Opportunity for discussion. Vote unanimous. The motion carries.

### **Unfinished Business**

**Naming Policy for Public Buildings/Infrastructure** – Council Member Naples motion to postpone until the March 22 meeting. Booth second. Opportunity for discussion. Vote unanimous. The motion carries.

### **New Business**

**Request for Amendment to Code of Ordinances – Bed & Breakfast – Roger Simmons** – Mayor Gilbert said this should be deferred until the zoning action. Council Member Naples motion to postpone until the first Mayor & Council meeting after the recommendation from the planning commission meeting is received. Blanton second. Opportunity for discussion. Vote unanimous. The motion carries.

**Board Appointment - Planning Commission** – Planner Callahan explained this is a three-year term. Callahan reviewed the applicants:

- 1) Scott Southerland;
- 2) Robert Senft;
- 3) Christopher Braswell;
- 4) H. Lane Dennard, Jr.
- 5) Scott Campbell.

Council Member Naples motion to appoint H. Lane Dennard, Jr., to the Planning Commission. Booth second. Opportunity for discussion. After discussion, Vote unanimous. The motion carries.

**City Manager's Report** – City Manager Nunn said budget preparation has begun. Worksheets have been distributed to supervisors, and they have been asked for any potential budget cuts.

Mayor Gilbert asked that organizations that currently receive grants and/or money from the City be made aware of potential budget cuts.

Mayor Gilbert asked about the project on Plum Street. Nunn said that after rain, he will try to get pavers out and complete project.

**Planner's Report** - Planner Callahan said the punch list on Town Park continues. She said a few markers are left to be installed and that the fence should soon be completed. The swings are yet to be installed. Callahan reported that they are beginning to receive calls again from potential new businesses.

**Main Street's Report** – Project Coordinator Huff reported that Main Street now has a page on Facebook. She said this is being used to advertise upcoming events.

Planner Callahan said the Bicentennial Book should be delivered soon and that a Presentation Party is planned for April.

### **Public Comments**

Barry Lurey expressed his concerns and reminded the Mayor and Council of their oath of office.

John Durden also commented.

Brian Lehman asked that the City take a look at signage. He said the signage is in need of repair.

Teresa Bishop said she is concerned about the quality of life in Madison. She said the choices that the Mayor and Council make now may put this quality of life at risk. She also referred to a property that is operating outside the existing restrictions and asked if the owners will continue to be allowed to operate. Attorney Reitman said staff is aware and this is being addressed.

Mary Diletto expressed her concerns about traffic on Highway 83. City Manager Nunn said DOT has been asked to review signage for this area. He said they won't allow traffic calming devices. Council Member Hunt asked about the radar signage. Nunn said the last time he spoke with DOT about this that he did not receive a very favorable reply. After further discussion, Barry Lurey said it is very dangerous for an auto or a pedestrian to cross Washington Street from Academy Street. Robert Senft commented that crossing Washington Street from in front of the Icehouse is also a problem. He said the Magnolia trees need to be cut. He and Lurey said the parking on Washington Street needs to be changed.

Council Member Blanton recommended using the county radar sign until DOT allows. City Manager Nunn reminded the Mayor and Council and the public that radar and laser can only be used in certain areas.

Mary Diletto said the police are the best and should be commended.

David DiRocco said this is his third time commenting to the Mayor and Council about traffic issues. He said something must be done. He asked for help.

Karen Wibell said kids are kicking soccer balls into traffic at the end of the park between Washington and Jefferson. Planner Callahan said she had spoken with these kids and told them about Hill Park.

Betsy Wagonhauser said lighted crosswalks may be a good solution. Mayor Gilbert said DOT is slow to respond to allowing these on their right-of-way.

With no further business, Mayor Gilbert adjourned the meeting.

Approved: \_\_\_\_\_  
Bruce E. Gilbert, Mayor  
Attest: \_\_\_\_\_  
Mellie A. Thomas, City Clerk  
Date: \_\_\_\_\_