



**MINUTES NO. 2023-06-WS
PUBLIC WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF MADISON, ALABAMA
June 21, 2023**

The Madison City Council met for a public work session on Wednesday, June 21, 2023, at 5:30 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 5:30 p.m. by Council President Ranae Bartlett.

The following Council Members were in attendance:

Council District No. 1 Maura Wroblewski	Present
Council District No. 2 Connie Spears	Present
Council District No. 3 Teddy Powell	Present
Council District No. 4 Greg Shaw	Absent
Council District No. 5 Ranae Bartlett	Present
Council District No. 6 Karen Denzine	Present
Council District No. 7 John Seifert	Present

City Officials in attendance were: City Clerk-Treasurer Lisa D. Thomas, Deputy City Clerk-Treasurer Kerri Sulyma, City Attorney Brian Kilgore, Fire Chief David Bailey, Police Chief Johnny Gandy, Director of Development Services Mary Beth Broeren, Assistant Planner Kali Zimmerman, Assistant Planner Matt Davidson, Information Technology Director Chris White, Information Technology Support Technician Toby Jenkins, Information Technology Support Technician Rhianna O'Reilly, and Parks & Recreation Director Kory Alfred

Council President Bartlett announced the change of order on the agenda to begin with Dublin Park.

DUBLIN PARK – EXERCISE STATIONS

Mr. Sandy Patel appeared before City Council and Mayor Finley to present building 8-10 exercise stations along the 1.1-mile walking trail at Dublin Park. Mr. Patel stated after discussions with Parks & Recreation Director Kory Alfred the stations would consist of a concrete pad, stretching and pull-up apparatuses like other parks throughout the area. Construction consists of treated wood, metal bars and bolts with zero maintenance and could last up to 25 years. Mr. Patel further described the cost and labor as:

- Assistance of Parks and Recreation Department and Public Works for concrete and excavation work
- Community volunteers to prefab wood cut to size, drilled and installed
- Community fundraising to cover cost of supplies estimated to be under \$5,000

Mr. Patel stated he is working with Parks & Recreation Director Kory Alfred to determine the best time of year the park has the least activity to begin the project so as not to interfere with other sports programs. Mr. Patel advised that Parks & Recreation Director Kory Alfred presented and received approval from the Parks and Recreation Advisory Board and is now seeking approval from City Council to proceed.

Council Member Seifert thanked Mr. Patel for being flexible throughout the process and all he is needing help with is excavation and pouring of the concrete pads.

Mr. Patel stated the location of the stations will be coordinated with Director of Parks and Recreation Kory Alfred. Council Member Seifert added the project has been presented to the Parks and Recreation Advisory Board multiple times for their input and has been approved.

Council Member Powell asked if we were just providing labor and not materials other than concrete. Mr. Patel confirmed just the concrete and what he understands from Parks and Recreation Director Kory Alfred is that Dublin Park is the only location that can have the fitness stations due to flood areas on flatter greenways along the creek.

Council Member Spears asked Director of Parks and Recreation Kory Alfred if enough money was in the budget to cover the costs of excavation and concrete. Director of Parks and Recreation Kory Alfred affirmed yes, stating the only stipulation from the Parks and Recreation Advisory Board was that Mr. Patel has a long-term maintenance plan and if equipment becomes in disrepair, they will be removed with the replacement of benches or something else.

Council Member Powell asked if portions of the funds come out of the Public Works and Parks and Recreation budget. Parks and Recreation Director Cory Alfred replied that it will come out of the Parks and Recreation budget, the only thing needed from Public Works is to borrow the equipment as he has two employees with masonry experience to pour the concrete pads once leveled.

MURAL GUIDELINES

Director of Development Services Mary Beth Broeren updated Council regarding the draft guidelines submitted to Council at the May 8th Work Session meeting. Following that meeting the draft was circulated to Madison Visionary Partners, Historic Preservation Commission Members, Staff, and City Attorney Brian Kilgore for their input. Director of Development Services Mary Beth Broeren provided Council a revised draft of the guidelines describing the following key provisions:

- Definition of a mural
- Determining from type of graphic if it qualifies as a sign or mural
- Added Public Property
- Must be visible from a street, pedestrian path or publicly accessible space

Director of Development Services Mary Beth Broeren advised that it would be optimal and helpful to have a Mural Advisory Board for the assurance of the following:

- Property owner have a maintenance plan
- Using the approved type of paint
- Installers have the proper capabilities for installation

- Property owner and artist have a worked out agreement
- Regulating obscenities

Director of Development Services Mary Beth Broeren stated what the Mural Advisory Board **will not** be doing is:

- Regulating the content of the mural due to first amendment regulations

Director of Development Services Mary Beth Broeren advised the Historic Commission currently have regulations enforced for murals in the historic district. If a new mural is proposed for the district, preferably be presented to the Mural Advisory Board first, then to the Historic Commission for a 'Certificate of Appropriateness'

Council Member Spears asked if a mural referenced something illegal, for example a marijuana leaf, would that be regulated. Director of Development Services Mary Beth Broeren replied if it was a picture on private property, didn't think it can be regulated. City Attorney Brian Kilgore advised there is leeway to regulate on city property if promoting illegal activity, but harder to articulate a reason to regulate on private property and he would have to research further.

Additional revisions to the guidelines were explained by Director of Development Services Mary Beth Broeren regarding the following:

- Application fee
- Property owner to provide who would be responsible for maintenance and removal
- Provide copy of contract agreement
- How would a mural be removed if damaged due to weather or an accident determined unrepairable by an inspection
- Offer a checklist or recommendations of items to be included in a contract for property owners to consider the artists rights they have when a mural is on their property with the approval permit of a 3-to-5-year period if changes occur with the property

Director Of Development Services Mary Beth Broeren advised after discussion with Legal, this will need to be Codified and determined if it is added to a Zoning or a Municipal Ordinance. If decided within Zoning, it will first be presented to the Planning Commission, then Council. If applied to Municipal then directly to Council for first and second reading, and if another work session is necessary.

Council Member Wroblewski asked if the Madison Arts Alliance could be involved in the process of the draft guidelines and members considered for the committee. Director Of Development Services Mary Beth Broeren referred to the revised guideline draft of the recommended committee membership and any changes would be the choice of Council. Council President Bartlett questioned who and why a city employee is needed on the Advisory Board. Director of Development Services Mary Beth Broeren offered aspects of employee knowledge that would be beneficial to murals on public property such as the Parks Department or Public Works with the construction liabilities. Mayor Finley added it would help as almost a liaison to the City and Board.

Council further discussed the appointment of Board Members and staggering terms. Director of Development Services Mary Beth Broeren added that she can collectively obtain what preferences in terms of composition of the Board from Council for additional follow-up.

Council Member Powell asked if the benefit of murals is to beautify our city. Director of Development Services Mary Beth Broeren replied that some people would consider it beautiful, others want to attract attention and it might not be beautiful, others would view it as an economic development benefit as a tourist attraction for picture taking and drawing in more customers to their business.

Council Members further discussed the following pros and cons and additional options for allowing murals:

- Division of public opinions and backlash to city employees
- Family oriented city
- Business owners alienating customers
- Shorten time frame from the 3 to 5-year allowance.
- Review through the course of a year what applications are submitted and determine if murals on private property are acceptable due to content not regulated
- Only allow on public property for full content control
- Billboards are not allowed for a mural
- Interest for murals is downtown
 - Madison Visionary Partners inquired about wanting a mural and are applying for funding through a grant which wouldn't be awarded until fall.
- Council still has an adequate time frame to approve
- Opportunities for murals on public properties
 - On the side of building in Parks (Dublin, Palmer)
 - Community Center
- Council members to review further and obtain input from the community
- Research how City of Huntsville processed murals
- Legality issues
- Advertising on a business window allowed up to 25%, seasonal and not permanent
- Mural on a street would be governed
- Clarification as a must to have guidelines for a municipal ordinance and the benefit of artwork
- Flexibility to only allow in certain zoning districts or geographic areas
- Regulate size of mural
- Projections from mural must meet ADA requirements and safety concerns

Discussion concluded and Director of Development Services Mary Beth Broeren expressed thanks to Assistant Planner Kali Zimmerman and Assistant Planner Matt Davidson for their hard work and research.

MISCELLANEOUS

President Bartlett and Mayor Finley asked Director of Development Services Mary Beth Broeren to provide an update on the Comprehensive Plan.

- Consultants having regular meetings with Advisory Committee
- Baseline information available on Madison Ontrack 2045 website

- Land use projections and traffic demand modeling recommendations
- Delay of traffic modeling while waiting for completion of Hughes and Sullivan Road for updated counts - finished in March
- Consultants complete draft chapters on mobility transportation
- Additional drafts on land use
- Possible public outreach meetings in August or September
- Contain city's goals of growth, policies, transportation, parks, and public services, then implementation actions, and divided into tiers of recommended projects
- Progress a little slower than expected

Council Member Spears asked if a science museum was ever mentioned in the interest survey conducted. Director of Development Services Mary Beth Broeren stated she would have to look back at them and let her know. Council President Bartlett asked if rezoning would have to come after the comprehensive plan is adopted and if there would be recommendations within the plan. Director of Development Services Mary Beth Broeren replied that for rezoning there are map and text amendments that can occur and most of the zoning ordinance updates are drafted. Zoning map amendments could result from the following:

- Changes of land use recommendations from Comprehensive Plan
- Upzoning property
- Downzoning property from a R4 to a R3 or R2 is more difficult as it changes property value

Director of Development Services Mary Beth Broeren stated most amendments will come as text amendments and will refine standards. Director of Development Services Mary Beth Broeren also mentioned an additional component to zoning is the number of properties annexed into the city as agricultural and are now residential, so those will be rezoned to the appropriate zone which will remove a lot of the non-conformities and will be done later. Council Member Powell asked if it would fix areas that were zoned for apartments, but a house was eventually built, so that in the future if the house is removed apartment could not be built. Director of Development Services Mary Beth Broeren responded to Council Member Powell that she will review that one specifically as she is working with agriculture properties currently. Council Member Wroblewski wanted to add firearm sales not being near schools or churches or any public gathering. Director of Development Services Mary Beth Broeren replied that it is not a comprehensive plan component, but that when they get into zoning ordinance implementation she can certainly visit it along with other topics.

President Bartlett advised Council the next work session is scheduled for July 19 with proposed topics:

- Update on Comprehensive Improvement Plan
- Paving plan to Greenways and Trails Pacer Program
- Mural Guidelines
- Council Special Project Requests
 - Baby Boxes - One baby has now been surrendered to the Fire Station and basic supplies are needed

City Attorney Brian Kilgore advised Council an update in the law allowing babies to be surrendered to fire stations now along with hospitals effective in 90 days. Citizens are

becoming aware of the change in law, so the need for this is more immediate. Council Member Wroblewski asked how much funding the Fire Department would need.

Fire Chief David Bailey approached Council and Mayor Finley stating he received an update from hospital and the baby surrendered is doing well. Baby kits have been purchased along with a car seat and are in place when needed at stations. Council Member Spears expressed concern about the purchases not part of the Fire Department's budget. Fire Chief David Bailey affirmed it wasn't, also stating the hospital provides some items along with a few donations. Fire Chief David Bailey felt comfortable with the number of kits currently and if an influx occurs with surrendered babies, then he will approach Council to add additional funds from the budget.

Council President Bartlett opened a topic regarding a newspaper article about a science museum further along in happening than Council is aware of and asked Mayor Finley to provide an update.

Mayor Finley stated he will continue to get Council information as the governance crew on the possibility of having a science museum in a city owned facility. The Director of the science museum realizes where Council is at in the matter but is not communicating it in a way that Council is comfortable with. Mayor Finley expressed numerous components to the project are in the works, but for now information is being gathered to present to Council for discussion and if a decision is to proceed then eventually it will be brought to Council for a formal vote. Mayor Finley felt confident additional information may be presented at the next work session, so President Bartlett added it to the agenda.

With no other discussion Council President Bartlett advised all that they were at the part of the meeting where they needed to go into executive session.

City Attorney Brian Kilgore explained that after being advised of some subject matter that the Council wants to discuss that it would be best appropriate based on his legal opinion to go into executive session. City Attorney Brian Kilgore read the following statement and requested it to be entered into the Minutes:

"As an attorney licensed to practice law in Alabama, and as City Attorney for the City of Madison, Alabama, I am offering this declaration and Opinion pursuant to §36-25A-7(a)(6) and (7) of the Code of Alabama (1975), for the purpose of advising the Madison City Council to enter executive session during that portion of its June 21, 2023, Work Session meeting that requires the Council to discuss its consideration and willingness to offer or accept the purchase, sale, exchange, lease, or market value of real property. Furthermore, I recommend that the Council enter executive session before discussing any preliminary negotiations involving matters of trade or commerce in which the City of Madison may be in competition with private individuals or other governmental bodies."

Council President Bartlett advised that it will be the only item discussed in the Executive Session, and that voting will not take place and Council will not reconvene after the executive session, as Council will adjourn at the conclusion of Executive Session.

Council Member Wroblewski moved to enter into executive session for the purpose of such discussion. Council Member Spears seconded. The roll call vote was taken and recorded as follows:

Council President Bartlett stated with majority consent, the Council will now enter into Executive Session at 6:40 p.m. and will not reconvene adjourning the conclusion of Executive Session.

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

ADJOURNMENT

Having no further business to discuss, the work session adjourned at 6:40 p.m.

Minutes No. 2023-06-WS, dated June 21, 2023, read, approved and adopted this 10th day of July 2023.

Council Member Maura Wroblewski
District One

Council Member Connie Spears
District Two

Council Member Teddy Powell
District Three

Council Member Greg Shaw
District Four

Council Member Ranae Bartlett
District Five

Council Member Karen Denzine
District Six

Council Member John Seifert
District Seven

Concur:

Paul Finley, Mayor
Attest:

Lisa D. Thomas
City Clerk-Treasurer

Lisa Ritz
Recording Secretary