

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
March 3, 2009**

The regular meeting of the City Council of the City of Florence, Alabama, was held in the City Hall Auditorium in Florence at 5:00 p.m., on Tuesday, March 3, 2009. President Barnhart called the meeting to order. Councilmember Betterton gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that all six Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., William D. Jordan, Hermon T. Graham, Barry Morris, James H. Barnhart and Andrew Betterton.

**AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**March 3, 2009**

**5:00 P. M.**

- 
1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Betterton
  3. Pledge of Allegiance
  4. Roll Call - President Barnhart
  5. Approval of Agenda
  6. Message from Mayor
  7. Reports of Department Heads
  8. Reports of Standing Committees
  9. Public Hearings:
    - (a) Proposed adoption of the West Florence Neighborhood Plan.
  10. Business from floor pertaining to items on the consent and regular agenda (5-minute limit).
  11. Consent Agenda:

All matters listed within the Consent Agenda have been distributed to each member of the Florence City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request. Please call 760-6400 for questions on Consent Agenda items prior to the Council meeting.

Approval of minutes of the Regular Meeting held on February 17, 2009.

Confirm payment of bills by the City Treasurer.

Resolution authorizing the City to enter into a contract with King and Associates General Contractors, Inc., to provide labor, equipment, materials and incidentals necessary to build a new pavilion at the Police Department Firing Range, in the amount of \$27,500.00, to be paid from budgeted funds, sponsored by Chief Singleton.

- (d) Resolution authorizing the City to enter into a Service Agreement with Invensys Process Systems for the maintenance of the electronic/computerized control and monitoring systems at the Cypress Creek Water Treatment Plant and the Cypress Creek Wastewater Treatment Plant, for a three year period: Year 1 - \$41,400.75 per quarter; Year 2 - \$9,670.00 per quarter, Year 3 - \$9,960.00 per quarter, to be paid from budgeted funds, sponsored by Mike Doyle.
- (e) Resolution authorizing the City to engage Joe Jolly & Company, Inc., to provide underwriting services to refund the City of Florence's Series 1998-A General Obligation School Warrants, Series 1998-B General Obligation Warrants, and Series 1999 Electric Revenue Warrants, sponsored by Dan Barger.
- (f) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to adopt and incorporate into Chapter 18 of the Code of Florence, Alabama, as amended, *Sec. 18-12 Smoking prohibited in certain areas of city parks*, sponsored by Todd Nix.
- (b) Ordinance to lease Suite 505 in the First Southern Bank Building to Davis Appraisals for a term of one year commencing on March 1, 2009, in the amount of \$3,000.00, sponsored by Dan Barger.
- (c) Ordinance to lease Suite 507 in the First Southern Bank Building to Donald R. Phillips and Associates for a term of one year commencing on March 1, 2009, in the amount of \$3,975.48, sponsored by Dan Barger.
- (d) Ordinance to lease Suite 314 in the First Southern Bank Building to Bond, Botes, Sykstus, Hatcher, and Tanner, P.C. for a term of one year commencing on March 1, 2009, in the amount of \$18,697.80, sponsored by Dan Barger.
- (e) Resolution authorizing the City to charge a rental fee for athletic fields owned by the City in the amount of \$200.00 per day per field with a \$200.00 non-refundable deposit per event, sponsored by Todd Nix.
- (f) Resolution adopting the West Florence Neighborhood Plan, sponsored by Melissa Bailey.

13. General Business:

- (c) Board Openings within the next 90 days or less:

Board

Member  
Appointed  
Expire

Historical Board

Vacancy

14. Business from the public (5-minute time limit).
15. Council Members reports and/or comments (5-minute limit).

Councilmember Graham  
Councilmember Morris  
Councilmember Betterton  
Councilmember Pendleton  
Councilmember Jordan  
Councilmember Barnhart

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the agenda. Councilmember Graham moved for approval of the agenda. Councilmember Betterton seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

Ayes:	Sam Pendleton, Jr. Herman T. Graham William D. Jordan Barry Morris James H. Barnhart Andrew Betterton
Noes:	None

**Message from the Mayor:**

Mayor Irons introduced Mr. Jerome Gafford, President of the Florence High School Band Boosters, and Mr. John Bradley, Florence High School Band Director. Mr. Gafford presented Certificates of Appreciation to Mayor Irons, City Council Members, Chief Singleton and the Florence Police Department for their support of the Lord Mayor of Westminster on her recent visit to Florence.

Mayor Irons noted that sales tax revenue for January 2009 was on budget and expenses continue to be below budget. Mayor Irons stated that the City is operating very well within the budget. Mayor Irons also stated that he hopes this will continue as we move through this recession.

Mayor Irons made comments concerning the West Florence Re-Development Plan that is on tonight's agenda. Mayor Irons thanked everyone who has worked so hard in developing this plan. Mayor Irons stated that this plan is going to be a great asset for our City.

Mayor Irons made comments concerning Consent Agenda Item (e) Resolution authorizing

the City to engage Joe Jolly & Company, Inc., to provide underwriting services to refund the City of Florence's Series 1998-A General Obligation School Warrants, Series 1998-B General Obligation Warrants, and Series 1999 Electric Revenue Warrants. Mayor Irons noted the reissuing of the bonds will save the City 1.7 million dollars in interest cost over a 10-year period.

Mayor Irons noted that he had recently attended a ground-breaking ceremony for the new Holiday Inn Express. Mayor Irons stated that this is a positive sign for our economy.

Mayor Irons stated that he attended a meeting last week with Governor Riley to discuss local highway projects and the stimulus program. Mayor Irons also stated that within two weeks the Governor's office will have guidelines to apply for funds.

Mayor Irons announced that the month of April is designated as "Clean-Up" month for the City of Florence. Mayor Irons stated that he wanted to encourage citizens to participate in cleaning up our City.

#### **Reports of Department Heads:**

Chief Singleton announced that April is Special Olympic Month. Chief Singleton introduced Officer Hal Howard and Officer Bill White. Officer Howard and Officer White made comments in reference to the Florence Police Department's annual fund-raiser (Cops & Lobsters) at Red Lobster on April 10. Officer White stated that 100 percent of the proceeds go to our local Special Olympics Program.

David Koonce, Manager of Solid Waste, Street and Recycling Department, announced that April is "Clean-Up" month in the City of Florence. Mr. Koonce stated that a number of volunteers will be coming to Florence to clean up litter and graffiti.

#### **Reports of Standing Committees:**

Councilmember Betterton, Chairperson of the Parks & Recreation Committee, noted that a meeting was held on Monday, February 27. Councilmember Betterton noted that in attendance were President Barnhart, Councilmember Graham, Councilmember Jordan, Mayor Irons, Todd Nix, Community Services Director, Tina Kitchens, Director of Parks & Recreation, Fred Boughner, Parks & Recreation Supervisor, Dan Barger, City Treasurer/Chief Accountant, Bill Musgrove, City Attorney and Trevor Stokes from the Times Daily. Councilmember Betterton stated that the topics discussed were the grand opening of the Sportsplex on March 28, Wilson

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Park fountain repairs, no-smoking ban at the Sportsplex, Indian Mound Museum, athletic field rental and the Tee Pee Village planned for McFarland Park.

Councilmember Jordan, Finance Committee Chairperson, stated that after receiving numerous bids, the Finance Committee recommended Joe Jolly and Company for the refinancing of municipal bonds.

**Public Hearings:**

President Barnhart noted that this was the time and date, as advertised, for a public hearing regarding the proposed adoption of the West Florence Neighborhood Plan.

Melissa Bailey, Planning Director, appeared and made comments concerning the proposed West Florence Neighborhood Plan. Ms. Bailey stated that this was a plan was a collaboration of personal visions from the citizens of West Florence. Ms. Bailey noted that this plan is not to reinvent West Florence, but to build upon the positives of this community. Ms. Bailey thanked the citizens of West Florence, Mayor Irons, City Council, Ben Whezman, Project Manager, KPS Group and the Florence Planning Commission for their hard work on this project. Ms. Bailey noted that this plan is only the beginning and with continued communication, this plan can go forth.

Council member Betterton asked Ms. Bailey about the funding for this plan. Ms. Bailey explained that there is a section of the plan that outlines different funding mechanisms. Ms. Bailey noted that there will be public investment, private investment as well as investments from the citizens of West Florence. Ms. Bailey also noted that there are various grant programs that we will aggressively pursue to fund these projects.

Dr. William Cale, President of the University of North Alabama, appeared and made comments in support of the West Florence Neighborhood Plan. Dr. Cale stated that the athletic complex that was recently completed in the West Florence area would not have been as successful without Councilmember Pendleton working with the community and UNA. Dr. Cale stated that UNA will also be working with KPS Group to develop the University's master plan. Dr. Cale encouraged the City Council to approve the West Florence Neighborhood Plan.

Carl Bailey, President of Coffee Health Group, appeared and made comments in support of the West Florence Neighborhood Plan. Mr. Bailey noted that Coffee Health Group is the largest employer in Northwest Alabama. Mr. Bailey stated that it is important that we continue to upgrade the West Florence area.

Charlie Burgess, President of the Inter-denomination Ministry Alliance and President of the Martin Luther King Committee, appeared and made comments in support of the West Florence Neighborhood Plan. Mr. Burgess stated that the City of Florence has the best Mayor and UNA has the best President in the state of Alabama. Mr. Burgess stated that he was speaking on behalf of the Inter-denomination Ministry Alliance concerning the West Florence Neighborhood Plan.

Mr. Burgess stated that he had received numerous complaints concerning the sidewalks and overgrown trees in the West Florence area. Mr. Burgess stated that he hoped that the City would repair the sidewalks, trim trees and open up roads. Mr. Burgess also stated that he hopes everything in this plan will be completed. Mr. Burgess stated that this is a very good plan and the Inter-denomination Ministry Alliance “is here to help you”.

Booker T. Beckwith Sr, 1038 Clearwater Dr., appeared and made comments in support of the West Florence Neighborhood Plan. Mr. Beckwith stated that he has attended the planning meetings and he is very proud of the work that has been completed. Mr. Beckwith stated that everyone has worked very hard on this project. Mr. Beckwith stated that we need to put God first, that we need to stick together, and that we need to start working on this plan. Mr. Beckwith also stated that he would like to see the entire City of Florence working on this plan. Mr. Beckwith stated that we also need speed breakers to slow traffic.

Yolanda Faulk, 1461B Carver Heights, appeared and made comments in support of the West Florence Neighborhood Plan. Ms. Faulk quoted Micah 6:8, “He has shown thee, O Man, What is good and what the Lord requires of thee. But to do justly and to love mercy and to walk humbly with thou God.” Ms. Faulk thanked God for the Plan. Ms. Faulk stated that she would like a copy of the plan. Ms. Faulk also stated that she would like to see speed cushions installed in Carver Heights. Ms. Faulk stated that speed cushions are necessary for the safety of our children. Ms. Faulk thanked everyone for their time.

Odessa Bailey, 135 Fayette St, Chairperson of the West Florence Re-Development Plan Community Committee, appeared and made comments in support of the West Florence Neighborhood Plan. Ms. Bailey stated that on behalf of the West Florence Community she would like to thank Ms. Melissa Bailey, Tina Irons, and Robert Muse for their hard work on this plan. Ms. Bailey stated that she would also like to thank KPS Group for meeting with the citizens of West Florence, listening to their concerns and for developing a plan that we feel is a workable solution for this area. Ms. Bailey stated that this plan has the approval of the Planning Committee and it is now up to the City Council. Ms. Bailey also stated that she hopes the City Council is listening and will find a way to implement this plan. Ms. Bailey stated that even though Federal money will be limited due to the ineligibility of the grant from HUD’s Neighborhood Stabilization Program, we should not give up on this plan.

Fred Hogan, Mainstream Development Corporation, appeared and made comments in support of the West Florence Neighborhood Plan. Mr. Hogan stated that the Mainstream Development Corporation is a non-profit organization that works primarily in Colbert, Lauderdale, Franklin and Lawrence Counties. Mr. Hogan commended Mayor Irons and the City Council for the vision of the West Florence Plan. Mr. Hogan also commended Melissa Bailey, West Florence Re-development Community and KPS Group for their hard work on this project. Mr. Hogan stated that this plan will not only benefit West Florence but the Shoals area as well. Mr. Hogan also stated that when this plan is implemented, West Florence will have a legacy.

Billy Ray Simpson, Founder and Pastor of First Love Ministries Outreach, appeared and made comments in support of the West Florence Neighborhood Plan. Mr. Simpson stated that his ministry is involved heavily with the West Florence area. Mr. Simpson stated that Mayor Irons is truly involved and committed to carrying out what he has promised. Mr. Simpson also thanked Councilmember Pendleton for his involvement in the community. Mr. Simpson stated that this is a very good plan.

Dave Smith, corner of Tuscaloosa and Locust Street, appeared and made comments concerning the West Florence Neighborhood Plan. Mr. Smith stated that in order for this plan to work, incomes and education must be upgraded. Mr. Smith also stated that Burrell Slater School could be a great asset as a technical school for our young people. Mr. Smith stated that we need to add better paying jobs for West Florence.

**Business from the Floor Pertaining to Items on the Consent or Regular Agenda:**

Bill Ford, appeared and made comments in opposition to the ordinance prohibiting smoking in certain areas of City Parks. Mr. Ford stated that the ordinance takes away freedom from individuals.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments concerning the ordinance prohibiting smoking in certain areas of City Parks. Mr. Simpson stated that there should a designated area for smokers.

**Consent Agenda:**

President Barnhart asked for a motion for approval of the Consent Agenda items.  
Councilmember Graham moved for approval of (a) Approval of minutes of the Regular Meeting



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on February 17, 2009 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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Councilmember Betterton seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

**Regular Agenda:**

City Clerk, Robert M. Leyde, presented an Ordinance to adopt and incorporate into Chapter 18 of the Code of Florence, Alabama, as amended, *Sec. 18-12 Smoking prohibited in certain areas of city parks*, sponsored by Todd Nix. Said Ordinance follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing resolution.

Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Betterton moved for adoption of the foregoing resolution.

Councilmember Pendleton seconded the motion.

**Discussion:**

Councilmember Betterton stated that this issue was addressed in areas where youth are present. Councilmember Betterton also stated that this policy is very straight forward and acceptable.

Councilmember Morris questioned if there would be sufficient personnel to police this ordinance or if additional personnel would be needed?

Councilmember Betterton stated that Todd Nix, Community Services Director and Tina Kitchens, Parks & Recreation Director felt that it would be dealt with sufficiently by the Park Police. Councilmember Morris made comments concerning the banning of smoking in other areas such as restaurants and apartment complexes.

Councilmember Pendleton stated that this ordinance bans smoking on government property. Council member Pendleton also stated that this Council is consistent in regards to smoking on City property.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
James H Barnhart  
Andrew Betterton

Noes: Barry Morris

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City Clerk, Robert M. Leyde, presented an Ordinance to lease Suite 505 in the First Southern Bank Building to Davis Appraisals for a term of one year commencing on March 1, 2009, in the amount of \$3,000.00, sponsored by Dan Barger. Said ordinance follows, to wit:

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Councilmember Jordan moved for immediate consideration of the foregoing resolution.

Councilmember Betterton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Betterton moved for adoption of the foregoing resolution.

Councilmember Graham seconded the motion.

There being no discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to lease Suite 507 in the First Southern Bank Building to Donald R. Phillips and Associates for a term of one year commencing on March 1, 2009, in the amount of \$3,975.48, sponsored by Dan Barger. Said ordinance follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Council member Morris seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Morris moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

There being no discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to lease Suite 314 in the First Southern Bank Building to Bond, Botes, Sykstus, Hatcher, and Tanner, P.C. for a term of one year commencing on March 1, 2009, in the amount of \$18,697.80, sponsored by Dan Barger. Said ordinance follows, to wit:

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Councilmember Graham moved for immediate consideration of the foregoing resolution.

Council member Morris seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Graham moved for adoption of the foregoing resolution. Council member Morris seconded the motion.

There being no discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to charge a rental fee for athletic fields owned by the City in the amount of \$200.00 per day per field with a \$200.00 non-refundable deposit per event, sponsored by Todd Nix. Said resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Council member Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Betterton moved for adoption of the foregoing resolution. Council member Jordan seconded the motion.

There being no discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution adopting the West Florence Neighborhood Plan, sponsored by Melissa Bailey. Said resolution follows, to wit:



Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Council member Morris seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Graham moved for adoption of the foregoing resolution. Council member Pendleton seconded the motion.

**Discussion:**

Councilmember Pendleton thanked the West Florence Community, Burrell Slater Alumni Committee and Mount Moriah Church staff for their cooperation on this plan. Councilmember Pendleton stated that after Mayor Irons signs this resolution, Ms. Odessa Bailey will become Chairperson of the Steering Committee and Ms. Lorraine Mitchell will become Chairperson of the Planning Committee. Councilmember Pendleton also stated that other committees will be formed from these two committees.

Councilmember Morris congratulated Mayor Irons and Councilmember Pendleton for their work on this project.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

**Board Openings:**

President Barnhart noted that the City Council at it's earlier work session nominated Dr. Ken Johnson to the Historical Board. President Barnhart stated that this nomination will appear on the agenda at the next City Council meeting.

**Business from the Public (5-minute time limit):**

An individual appeared and invited everyone to attend the Shoals Home Builders show on Saturday, March 14<sup>th</sup> and Sunday, March 15<sup>th</sup> at the Florence/Lauderdale Coliseum.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments concerning our local leaders and our national leaders. Mr. Simpson stated that we need to support our leaders.

**Council Reports and/or Comments:**

Councilmember Graham thanked everyone for their attendance tonight. Councilmember Graham noted that the next City Council meeting will be on March 24<sup>th</sup> and it will also be Youth-In-Government Day.

Councilmember Graham made comments concerning projects. Councilmember Graham noted that funding is an issue for projects. Councilmember Graham stated that we also need to look at ways to help the working people with their utility bills and food costs.

Councilmember Morris made comments concerning the clean-up project for the City of Florence. Councilmember Morris noted that clean up is the last two Saturdays in April. Councilmember Morris encouraged everyone to participate.

Councilmember Morris thanked Mr. Joel Gafford for his work with the Florence High School Band Booster.

Councilmember Betterton made comments concerning the smoking ban in the City parks. Councilmember Betterton noted that health care costs due to smoking is \$150 billion dollars a year.

Councilmember Betterton noted that Youth-In-Government Day is March 24<sup>th</sup>. Councilmember also noted that the grand opening for the Sportsplex is March 28<sup>th</sup>. Councilmember Betterton commended all those who worked on the West Florence Development Plan.

Councilmember Pendleton thanked the West Florence citizens for attending tonight's meeting and asked that they shake hands with the City Council at the conclusion of the meeting.

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Councilmember Pendleton commended KPS Group and Ms. Melissa Bailey for doing an outstanding job. Councilmember Pendleton stated that the older citizens of West Florence are the foundation of the community. Councilmember Pendleton also commended Ms. Joyce Malone and Mr. Booker T. Beckwith for their support. Councilmember Pendleton noted that the City of Florence is not in the business of buying your property. Councilmember Pendleton thanked Mayor Irons for his work on this project.

Councilmember Jordan thanked Dr. David Bronner for investing in the Rail Car Company. Councilmember Jordan stated that we have several great projects, The Sportsplex and West Florence Plan. Councilmember Jordan commended all those who worked so hard on both of this projects.

Councilmember Jordan commended Mayor Irons for his work in regards to re-financing municipal bonds. Councilmember Jordan stated that Mayor Irons is an honest, fair and straight-forward man.

President Barnhard had no comments.

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Councilmember Morris made a motion to adjourn the meeting. Councilmember Betterton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Hermon T. Graham  
William D. Jordan  
Barry Morris  
James H Barnhart  
Andrew Betterton

Noes: None

Councilmember Morris presented the closing prayer.  
There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK

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