

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
APRIL 5, 2011**

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, April 5, 2011. President Barnhart called the meeting to order. Councilmember Morris gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that 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 Barnhart and Andrew Betterton.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

April 5, 2011

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Morris
 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: Vacation of a portion of Cherry Street as requested by the City of Florence, AL
 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.

- (a) Approval of minutes of the Regular Meeting held on March 22, 2011.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with ProSys Information Systems, Inc., for the SupportCARE program which provides for ongoing implementation and support of network infrastructure and attached devices for the City, in the amount of \$5,000.00, to be paid from Support Services Funds, sponsored by Steve Price.
- (d) Resolution authorizing the City to enter into a contract with Joe Pitts Tree Service, to provide labor, equipment, materials and incidentals necessary to remove the large storm damaged Hackberry tree from Florence Cemetery, in the amount of \$6,000.00, to be paid from 265-43400 Repairs and Maintenance Grounds, sponsored by Todd Nix.

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- (e) Resolution authorizing the City to enter into a contract with Love Irrigation, Inc., to install Rain Bird Site control software and site control interface unit, write the schedules and set up site properties for each controller, and provide two days training for the software at the Coffee/O'Neal Sports Complex, in the lump sum amount of \$18,448.60, to be paid from 947-44725 Equipment, sponsored by Todd Nix.
- (f) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials and incidentals necessary to repair voids under concrete slabs and sidewalks at Florence Harbor, in the amount of \$12,500.00, to be paid from 117 Municipal Capital Improvement Funds, sponsored by Todd Nix.
- (g) Resolution authorizing the City to make application to the Alabama Department of Economic and Community Affairs under the State Emergency Shelter Grant Program on behalf of Safeplace, Inc., The Community Action Agency of Northwest Alabama and the Society of St. Vincent de Paul, to provide assistance to the homeless, sponsored by Melissa Bailey.
- (h) Resolution authorizing the City to enter into a contract with Kennedy-Douglass Volunteers, Inc., to conduct the Arts Alive Festival in May, in the amount of \$1,500.00 to be paid from 283-41111/41112 Mayor/Council Special Projects, sponsored by Mayor Irons.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Resolution to declare the 60.5 acres of real property and the improvements thereon of the former Florence Golf and Country Club as surplus property and authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of this property for further review by the council, sponsored by Dick Jordan, Hermon Graham, James Barnhart and Andy Betterton. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 03/01/11 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.) (THIS ITEM WAS REMOVED FROM THE AGENDA)**
- (b) Resolution requesting that the Alabama Legislature keep Colbert and Lauderdale Counties in one congressional district in the Redistricting process, sponsored by Andrew Betterton.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by DAVIS INVESTMENTS, LLC., d/b/a FLO-BAMA, located at 311 N. COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	3 - Vacancies		
Civil Service Board	Jim Smith	05/02/05	04/11
Riverbend Center for Mental Health	Richard H. Davy	05/15/07	04/01/11

14. Business from the public (5-minute time limit).

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15. Council Members reports and/or comments (5-minute limit).

Councilmember Jordan
Councilmember Graham
Councilmember Morris
Councilmember Betterton
Councilmember Pendleton
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 Morris seconded the motion.

There being no further discussion, a vote taken thereon resulted as follows:

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

Noes: None

President Barnhart welcomed Boy Scouts to tonight's City Council meeting.

Message from the Mayor:

**MAYOR'S COMMENTS
CITY COUNCIL MEETING**

APRIL 5, 2011

1. Present **PROCLAMATION** designating the month of April as **FAIR HOUSING MONTH**. Melissa Bailey will receive it. Melissa is the Planning Director for the City and has recently assumed the Community Development program as well.

2. I would like to recognize several of the **City's Street Department Employees** and ask them to come forward.

Terry Pittman, Terry Allen, Edgar White, David Gist, Ben Barnett, Greg Watson, Terry Borden, Donnie Waller, Terry Hart, Jerome Haynes, James Boykin, Todd South James Watkins, Lance Weaver, James Russell, Waylon Gann, Brandon Archer, Andy Gibson, Cody Young, Chad Stovall, Nathan Henson, Byron McDougal, Ricky Dickerson, Jimmy Smith, David Behel

We are so proud of these gentlemen and want to honor them today for their part in helping a fellow employee in need. In February one of the wives of their co-worker past away and there was no insurance money to help with the funeral. These men took time to hand dig the grave for the deceased lady. It took 3 ½ hours to do this. What a wonderful heartfelt action on their behalf! I want to commend each of you for your kindness and I know that this small token that I will present to you today does not compare to the satisfaction you should feel in your heart. I appreciate each and every one of you and the fine job you do for our City.

3. Present **PROCLAMATION** designating the month of April as **DONATE LIFE MONTH**. To be received by Ms. Brie Hollander, with the Alabama Organ Center.
4. Present **PROCLAMATION** designating the week of April 10-16, 2011, as **NATIONAL TELECOMMUNICATIONS WEEK**. This was received by George Grabryan, Lauderdale County Emergency Management Director.
5. Present **PROCLAMATION** designating the month of April as **AUTISM AWARENESS MONTH**. This was received by Ms. Amy Hand, a parent with an autistic child, along with Ms. Lynn Sharp, Special Education Coordinator for Florence City Schools, and Chris Willis.
6. Present **PROCLAMATION** designating the month of April as **FIRST AMENDMENT AWARENESS MONTH**. This was received by Dr. Gregory Pitts, who is Chairman of the Department of Communications at the University of North Alabama.
7. I want to thank everyone who participated in our City wide clean up last Saturday. There were 312 who collected over 10,000 pounds from our streets. We had individuals, entire families, churches and businesses to participate in this special event. We ask our citizens to continue to emphasis a litter-free community by keeping it clean every day of the year.

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Present **PROCLAMATION** designating the month of April as **EARTH MONTH and CITYWIDE CLEAN-UP MONTH**. This was received by:

Rachel Mansell, Florence Recycling Education Coordinator
David Koonce, Solid Waste, Street, and Recycling Manager
Judy Keenum, Executive Director of the Keep the Shoals Beautiful Committee
Bud Pride, Chairman of the Keep the Shoals Beautiful Committee
Nancy Muse, Shoals Environmental Alliance

Mayor's Comments:

The City of Florence hosted the **USSSA Baseball Tournament** last weekend at our Sports Complex with 42 teams participating and around 600 families visiting our area. All hotels were filled to capacity and each family was expected to spend \$450 which gives an immediate economic impact of \$270,000 on our local economy. We are extremely proud of our Sports Complex and the recreational opportunities that it provides for tournaments as well as for all athletic sports activities for our children and our families.

Budget Performance—Sales tax collection through March is 4.1% better than the same period last year, which equates to a net increase of \$233,000 in the General Fund. Actual expenses continue to be a little better than budget. However, we are concerned about the loss of \$160,000 in TVA In-Lieu-of-Tax payments, and increased fuel costs and other inflationary items that will have to be absorbed over the remainder of this year. Even with the 4% increase in revenue over last year, we are still considerably behind our peak tax base reached in 2008. There are other positive things that I want to point out. Building permits were at a strong level for the month of March at \$4 million. We are also pleased with the new business announcements with Publix and Jos. A. Banks, and other new businesses that have been announced in the last six to eight months. We have eleven new national chain stores opened or either announced to open in the near future as well as several new local businesses. This is very encouraging for our City and hopefully, a positive impact on our future tax revenues.

Reports of Department Heads:

Allison Stanfield, Assistant Director, Florence/Lauderdale Tourism, appeared and invited everyone to come and support the BassMaster Elite Fishing Tournament which starts on Wednesday, April 6th and weigh-ins will be daily at 4:00 P.M. at McFarland Park. Ms. Stanfield noted that there are over 200 anglers that are currently here to participate in the tournament.

Reports of Standing Committees:

President Barnhart stated that the Public Works Committee met on March 24, 2011 in the Mayor's Conference Room. President Barnhart noted that in attendance were Mayor Irons, Bill Batson, City Engineer, Councilmember Betterton and himself.

President Barnhart noted that the Committee discussed drainage and paving issues. President Barnhart also noted that Mr. Batson informed the Committee that the Madison/Garfield Project was now out for bids and that the Creekwood Project will be put out for bids shortly. President Barnhart stated that these two projects were number one and two on the Engineering Department's drainage list. President Barnhart noted that the Committee is waiting to see how gas taxes for the first six months of the fiscal year are coming in before making a recommendation to the City Council for any street paving projects. President Barnhart stated that the first priority is to make repairs to the railroad crossing located on Veterans Drive.

Public Hearing:

President Barnhart noted that this is the date and time advertised for the Public Hearing regarding the proposed vacation of a portion of Cherry Street as requested by the City of Florence, Alabama.

Mr. Richard Morrissey, Manager of Electricity Department, appeared and stated that this is a small section of Cherry Street. Mr. Morrissey noted that the City of Florence owns property on both sides and this portion of the street will be used for a storage facility.

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

Mr. John Crowder, 421 Knottingham Road, appeared and made comments regarding Mayor Irons' financial report. Mr. Crowder stated that the City depends on sales tax. Mr. Crowder stated that he had planned to speak about Regular Agenda Item 12 (a) Resolution to declare the 60.5 acres of real property and the improvements thereon of the former Florence Golf and County Club as surplus property and authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of this property for further review by the council, sponsored by Dick

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Jordan, Hermon Graham, James Barnhart and Andy Betterton. **(This item was removed from tonight's agenda)** Mr. Crowder stated that the City should take bids for this property.

President Barnhart noted that Regular Agenda Item 12 (a) Resolution to declare the 60.5 acres of real property and the improvements thereon of the former Florence Golf and County Club as surplus property and authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of this property for further review by the council, sponsored by Dick Jordan, Hermon Graham, James Barnhart and Andy Betterton was removed from tonight's agenda.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Betterton moved for approval of (a) Approval of minutes of the Regular Meeting on March 22, 2011 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 Jordan 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 a Resolution requesting that the Alabama Legislature keep Colbert and Lauderdale Counties in one congressional district in the Redistricting process, sponsored by Andrew Betterton. Said Resolution follows, to wit

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

Discussion:

Councilmember Betterton made comments in support of the proposed resolution.

Councilmember Betterton stated that to split Lauderdale and Colbert County into two different Congressional Districts will not be good for our area.

Councilmember Graham made comments in support of the proposed resolution.

Councilmember Graham stated that these two counties work well together and are able to agree on projects that help both counties economically.

Councilmember Pendleton made comments in opposition to the proposed resolution.

Councilmember Pendleton stated that if everyone feels that our unity is so fragile and that a piece of paper determines our unity, then we truly never had unity. Councilmember Pendleton stated that it could be better for us economically. Councilmember Pendleton stated that there are organizations that are in favor of this resolution who also work against what he believes in.

Councilmember Morris made comments in support of the proposed resolution.

Councilmember Morris stated that the unity of both counties are symbols and symbolism can be powerful. Councilmember Morris also stated that this resolution sends a message that we want to stay united and work together.

Councilmember Pendleton stated that when you look at the census for each county, it shows that we are 19% minority and that this area is not needed by the government. Councilmember Pendleton stated that if you truly want to stay unified then you need to vote. Councilmember Pendleton asked what are we going to do if they divide our counties anyway.

President Barnhart stated that he does agree with Councilmember Pendleton but he plans to vote in favor to show them that we want unity.

Councilmember Pendleton stated that we must fight with the ballot.

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

Ayes: Hermon T. Graham
William D. Jordan
Barry Morris
James Barnhart
Andrew Betterton

Noes: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by DAVIS INVESTMENTS, LLC., d/b/a FLO-BAMA, located at 311 N. COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

Councilmember 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 Pendleton moved for adoption of the foregoing resolution. Councilmember 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

Board Openings:

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	3 - Vacancies		
Civil Service Board	Jim Smith	05/02/05	04/11
Riverbend Center for Mental Health	Richard H. Davy	05/15/07	04/01/11

President Barnhart noted that Ms. Lindsey Musselman Davis has been nominated for appointment to the Civil Service Board and Mr. Richard H. Davy has been nominated for reappointed to the Riverbend Center for Mental Health. President Barnhart stated that these appointments will be on the agenda for approval at the next City Council meeting.

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

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made general comments in support of legalizing marijuana. Mr. Simpson stated that there is a lot of money made by smuggling marijuana into this Country. Mr. Simpson also stated that marijuana is a safe drug that can be used as a pain-reliever. Mr. Simpson stated that there are a lot of myths and untruths regarding the use of this drug.

Council Reports and/or Comments:

Councilmember Jordan made comments regarding the removal of Regular Agenda Item 12 (a) Resolution to declare the 60.5 acres of real property and the improvements thereon of the former Florence Golf and County Club as surplus property and authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of this property for further review by the council, sponsored by Dick Jordan, Hermon Graham, James Barnhart and Andy Betterton. Councilmember Jordan stated that he plans to vote in favor of this resolution if he is allowed to vote. Councilmember Jordan also stated that there are questions regarding if he and Councilmember Morris' voting on this issue is a conflict of interest. Councilmember Jordan stated that the Ethics Commission will meet tomorrow to decide if there is a conflict of interest due to the fact that Councilmember Morris holds a position with the University of North Alabama and Councilmember Jordan's wife is on the Board of Trustees for the University. Councilmember Jordan stated that he supports the City selling the entire property to the University of North Alabama. Councilmember Jordan also stated that he is opposed to using the property for the expansion of the landfill.

Councilmember Jordan made comments in support of the resolution regarding redistricting. Councilmember Jordan stated that while serving as Mayor of Florence, both Lauderdale and Colbert Counties united with Dr. Bronner to develop the Robert Trent Jones Golf Course, expansion of Wise Alloys and many other projects. Councilmember Jordan also stated that this resolution will show that we are still united.

Councilmember Graham welcomed everyone in attendance and those watching by television. Councilmember Graham also welcomed the Boy Scouts in attendance. Councilmember Graham expressed his condolences to Deborah Bell Paseur on the death of her mother.

Councilmember Graham noted that the District 3 Community Meeting will be on April 28th at the Broadway Recreation Center. Councilmember Graham also made comments regarding the resolution on redistricting. Councilmember Graham stated that this resolution will show that we are unified.

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Councilmember Morris also commended the Boy Scouts. Councilmember Morris made comments regarding the recent "Cleanup Day" in Florence. Councilmember Morris stated that the 10,000 pounds of trash that was picked up sounds appalling.

Councilmember Morris also made comments regarding tourism, the recent baseball tournaments and the bass tournament planned for next week. Councilmember Morris stated that Tourism is a vital industry for our area.

Councilmember Morris reminded everyone of the "Cops & Cowboys" fund raising night at Texas Roadhouse on April 15th.

Councilmember Betterton expressed his appreciation to Dr. Womack, Superintendent of Florence City Schools, and the School Board for hosting the quarterly meeting. Councilmember Betterton also made comments regarding the hvac unit that is being installed at the memorabilia room at Burrell Slater. Councilmember Betterton stated that this was a joint effort with the City of Florence to preserve history.

Councilmember Betterton also made comments regarding the City's recent "Clean Up" Day. Councilmember Betterton thanked everyone for their efforts. Councilmember Betterton made comments regarding the recent baseball tournament that was held at the Sports Complex. Councilmember Betterton noted that over \$11,000.00 was spent on concessions and a large number of hotel rooms in Florence were occupied.

Councilmember Betterton made comments in support of the redistricting resolution. Councilmember Betterton stated that we need to work together and stay unified.

Councilmember Pendleton made comments regarding organized labor. Councilmember Pendleton stated that he grew up in an organized union family and would hear that someone will try to destroy organized labor and our jobs will go to China and Japan. Councilmember Pendleton stated that Republicans can not hurt Democrats without hurting everyone.

President Barnhart stated that he agreed with Councilmember Pendleton's comments regarding organized labor.

Councilmember Pendleton made comments regarding the sale of the former Florence Golf & Country Club property. Councilmember Pendleton stated that we need go to a transfer station for our garbage.

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There being no more comments.

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. William D. Jordan Hermon T. Graham Barry Morris James Barnhart Andrew Betterton
Noes:	None

President Barnhart presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK