

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
MAY 17, 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, May 17, 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**

**May 17, 2011**

**5:00 P.M.**

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1. Meeting called to order - President Barnhart
  2. Invocation
  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: None
  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 May 3, 2011.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Bobby and Amy Clingan to conduct Zumba and Zumatonic Aerobics/Dance classes at Parks and Recreation facilities, 80% of the fees collected will be paid to contractor and the City shall retain the remaining 20%, sponsored by Todd Nix.
- (d) Resolution authorizing the City to enter into a contract with Grace Grant to conduct youth baton classes at Parks and Recreation facilities, 80% of the fees collected will be paid to contractor and the City shall retain the remaining 20%, sponsored by Todd Nix.
- (e) Resolution authorizing the City to enter into a contract with Will Stutts for the performance and production of a one man play depicting the life of Frank Lloyd Wright, Mr. Stutts to be paid the lump sum amount of \$1,500.00 plus 20% of any gross admissions over \$3,000.00, 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 for the Madison Avenue/Garfield Avenue Drainage Improvements, in the amount of \$692,221.35, to be paid from Fund 188 Drainage Improvements, sponsored by Bill Batson. **(This item was moved to Regular Agenda Item 12(c))**
- (g) Resolution to approve the Letter of Agreement regarding asset allocation in the City Employees' Retirement Plan with MetLife, sponsored by Mayor Irons and Dan Barger.
- (h) Resolution authorizing the City to enter into an Agreement with Miranda M. Haddock for the provision of transcription services to the Florence Police Department for a period of one year, at the rate of \$2.00 per page, to be paid from 256-42100 Contractual Services, sponsored by Chief Singleton.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance amending Sections 27-211 through 27-226 and Sections 27-246 through 27-254 of the Code of Florence, Alabama, to adjust water and sewer rates, sponsored by Mike Doyle. **(THIS ORDINANCE DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 04/19/2011 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)**
- (b) Resolution requesting an opinion from the Honorable Luther Strange, Attorney General of the State of Alabama, regarding whether ordinances adopted pursuant to Ala. Code §§ 11-47-20 and 21 (1975) are ordinances intended to be of permanent operation as set forth in Ala. Code § 11-45-2 (b) (1975), sponsored by James Barnhart and Bill Musgrove.
- (c) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials and incidentals necessary for the Madison Avenue/Garfield Avenue Drainage Improvements, in the amount of \$692,221.35, to be paid from Fund 188 Drainage Improvements, sponsored by Bill Batson. **(This item was moved from Consent Agenda Item 11 (f))**

13. General Business:

- (a) 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		
Port Authority	Darlene Ballard (Joint)	05/06/08	07/21/11
Zoning Board	Morris Cracraft	08/20/02	05/17/11
	Tony Latham	06/30/03	05/17/11
	Michael O'Steen	07/16/02	05/17/11

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work session it was decided to move Consent Agenda Item 11 (f) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials and incidentals necessary for the Madison Avenue/Garfield Avenue Drainage Improvements, in the amount of \$692,221.35, to be paid from Fund 188 Drainage Improvements, sponsored by Bill Batson to the Regular Agenda Item 12 (c).

There being no other changes, President Barnhart asked for a motion for approval of the amended 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

**Message from the Mayor:** None

**Reports of Department Heads:** None

**Reports of Standing Committees:** None

Councilmember Morris proposed a work session prior to the next City Council meeting so that Robert Muse, Assistant Planning Director, could speak to the full Council regarding zoning changes.

Councilmember Pendleton stated that the meeting should not be before a City Council meeting. Councilmember Pendleton stated that the meeting should be held on a different day to provide time for the Council to study the changes.

Councilmember Jordan stated that he would rather have a meeting on a separate day.

Councilmember Pendleton stated that we should schedule a work session and meet and discuss issues every second and fourth Tuesday.

Councilmember Morris moved to have a work session every second Tuesday at 5:00 p.m. for the next four months. Councilmember Pendleton 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 Barnhart  
Andrew Betterton

Noes: None

**Public Hearing:** None

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

Mr. John Crowder, 421 Knottingham Road, appeared and made comments regarding Regular Agenda Item 12 (b) Resolution requesting an opinion from the Honorable Luther Strange, Attorney General of the State of Alabama, regarding whether ordinances adopted pursuant to Ala. Code §§ 11-47-20 and 21 (1975) are ordinances intended to be of permanent operation as set forth in Ala. Code § 11-45-2 (b) (1975), sponsored by James Barnhart and Bill Musgrove. Mr. Crowder stated that in the past, the City Council has not complied with an Attorney General's Opinion. Mr. Crowder urged the City Council to abide by the Attorney General's Opinion.

**Consent Agenda:**

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Betterton moved for approval of the ordinances and resolutions as follow, to-wit:

Councilmember Pendleton 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

Robert M. Leyde, City Clerk, presented an Ordinance amending Sections 27-211 through 27-226 and Sections 27-246 through 27-254 of the Code of Florence, Alabama, to adjust water and sewer rates, sponsored by Mike Doyle. **(THIS ORDINANCE DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 04/19/2011 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.** Said Ordinance follows, to wit:

Councilmember Jordan moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

**Discussion:**

Councilmember Pendleton stated that he is opposed to the proposed ordinance.

Councilmember Morris made comments in favor of the proposed ordinance. Councilmember Morris stated that he has reservations regarding the timing of this ordinance. Councilmember Morris also stated that the upgrades and repairs must be completed. Councilmember Morris also stated that this is just the beginning for improvements to the public's water supply. Councilmember Morris stated that we must trust the person that we have in place to make these recommendations.

President Barnhart made comments in opposition to the proposed ordinance. President Barnhart stated that he is not in favor of adding costs to the taxpayers and ratepayers. President Barnhart also stated that there must be an end to government spending.

Councilmember Betterton made comments in favor of the proposed ordinance. Councilmember Betterton stated that he has taken this matter very seriously. Councilmember Betterton also stated that we have aging infrastructures in the Water Department and if they were to fail we could have water shortages. Councilmember Betterton stated that he is looking to the experts in the Water Department for guidance in this matter.

Councilmember Pendleton stated that we should have been more prepared for these improvements. Councilmember Pendleton stated that this is a lack of planning and forethought. Councilmember Pendleton also stated that this is an unfunded mandate and that based on the information he has received we should rewire the water treatment plants. Councilmember Pendleton stated that we should have taken the money that was spent on employee cost-of-living raises and saved it for these types of improvements.

President Barnhart stated that the question should be what can the people afford to pay. President Barnhart noted that he will be hard pressed to vote for any money to be given to organizations that do not directly benefit our citizens.

Councilmember Pendleton noted that the rate increase will also affect businesses, factories and schools. Councilmember Pendleton stated that he is opposed because he believes that there is money in the budget to fund this project. Councilmember Pendleton also stated that with proper advice and guidance, we have the money in the budget to take care of the immediate problems. Councilmember Pendleton stated that we are spending, wasting and not planning just as they are doing in Washington, D.C. Councilmember Pendleton also stated that his goal is to do what is best for the citizens of Florence.

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

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

Noes: Sam Pendleton, Jr.  
James H. Barnhart

City Clerk, Robert M. Leyde, presented a Resolution requesting an opinion from the Honorable Luther Strange, Attorney General of the State of Alabama, regarding whether ordinances adopted pursuant to Ala. Code §§ 11-47-20 and 21 (1975) are ordinances intended to be of permanent operation as set forth in Ala. Code § 11-45-2 (b) (1975), sponsored by James Barnhart and Bill Musgrove. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

**Discussion:**

Councilmember Pendleton stated that he supports the proposed resolution, but he does not want his name to appear on the resolution. Councilmember Pendleton stated that Bill Musgrove, City Attorney, should be commended for his foresight on this matter. Councilmember Pendleton stated that he will be 100% correct regarding the sale of the former Florence Golf & Country Club property. Councilmember Pendleton also stated that this is his last warning regarding the sale of this property. Councilmember Pendleton stated that he is opposed to selling the property to anyone.

Councilmember Betterton made comments in favor of the proposed resolution. Councilmember Betterton stated that from the very beginning that he feels very strongly regarding this matter. Councilmember Betterton stated that he believes that as an elected official, he must vote his convictions and that our community is best served by the use of this property.

Councilmember Pendleton made comments in opposition to the issue.

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

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

Noes: None

Abstain: Sam Pendleton, Jr.



City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials and incidentals necessary for the Madison Avenue/Garfield Avenue Drainage Improvements, in the amount of \$692,221.35, to be paid from Fund 188 Drainage Improvements, sponsored by Bill Batson. **(This item was moved from the Consent Agenda Item 11 (f))** Said Resolution follows, to wit:

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

**Discussion:**

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton stated that this drainage problem is located in District 5. Councilmember Pendleton also stated that we have other drainage problems in District 6 at Cox Creek Parkway. Councilmember Pendleton made comments regarding the drainage ditch located on Randolph Street that still has not been corrected. Councilmember Pendleton stated that these projects should have been done simultaneously.

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:**

(a) 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		
Port Authority	Darlene Ballard (Joint)	05/06/08	07/21/11
Zoning Board	Morris Cracraft	08/20/02	05/17/11
	Tony Latham	06/30/03	05/17/11
	Michael O'Steen	07/16/02	05/17/11

President Barnhart noted that the Beautification Board is seeking nominations for beautification awards.

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

Mr. John Crowder, 421 Knottingham Road, appeared and made comments regarding the City of Florence Code being placed on the City's website. Mr. Crowder stated that he was unable to access the Municipal Code on the City's web-site. Mr. Crowder also stated that it is long overdue for the City Code to be placed on the City' website as a PDF file.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding the "War Against Drugs." Mr. Simpson stated that the "War on Drugs" is actually a war on people. Mr. Simpson also stated that we fight against each other because of a lack of knowledge. Mr. Simpson stated that we need a "War against Ignorance."

**Council Reports and/or Comments:**

Councilmember Betterton made comments regarding the recent vandalism of tents at the "Arts Alive" Festival this past weekend.

Councilmember Betterton made comments concerning a recent Times Daily Newspaper article regarding "Texting While Driving." Councilmember Betterton noted that the theme for the 2011 Florence High School Prom is "Don't Text and Drive." Councilmember Betterton stated that the Bill 102, a ban against Texting, has passed the House and is now waiting on approval from the State Senate.

Councilmember Pendleton submitted documents that follow, to wit:

Councilmember Pendleton read the statement from Mayor Irons dated September 10, 2010, regarding the use of the former Florence Golf & Country Club property. Councilmember Pendleton stated that in the eyes of the government, the University of North Alabama should not be treated any different than others.

Councilmember Pendleton stated that there has been a misconception regarding District 1. Councilmember Pendleton also stated that District 1 is an all-American District.

Councilmember Jordan made comments regarding the water rate increase. Councilmember Jordan stated that he takes the increase very seriously. Councilmember Jordan also stated that we must provide quality water for industry and our citizens.

Councilmember Jordan thanked everyone who was involved with "Arts Alive" this past weekend. Councilmember Jordan stated that we need to continue to support our "quality of life" events.

Councilmember Graham made comments regarding the water rate increase. Councilmember Graham stated that he is also opposed to rate increases because he also has to pay. Councilmember Graham also stated that we must provide safe water for not only our citizens but also for those living in Lauderdale County. Councilmember Graham stated that he takes this job very seriously.

Councilmember Graham offered his condolences to the Frank Potts' family.

Councilmember Morris stated that the water rate increase is vital. Councilmember Morris stated that past actions have brought us to this place.

Councilmember Morris asked that everyone not text and drive. Councilmember Morris also stated that a law banning this action will not work. Councilmember Morris noted that the streets will be less safe with these types of laws.

President Barnhart had no comments.

There being no more comments, Councilmember Morris made a motion to adjourn the meeting. Councilmember Graham 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

Councilmember Pendleton presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK

