

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
FEBRUARY 7, 2012**

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, February 7, 2012. President Barnhart called the meeting to order. Councilmember Graham 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

February 7, 2012

5:00 P.M.

-
1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Graham
 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) Public hearing regarding reapportionment of the existing council districts (wards) pursuant to Section 11-46-23 of the Code of Alabama 1975, as amended, to comply with federal law because of population shifts set forth in the 2010 Census.
 10. Business from floor pertaining to items on the consent and regular agenda (5-minute time 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 January 17, 2012.
 - (b) Confirm payment of bills by the City Treasurer.
 - (c) Resolution authorizing the City to enter into a contract with Tennessee Southern Railroad to provide labor, equipment, materials, and incidentals necessary to replace the existing railroad crossings on Veterans Drive at the Tennessee Southern Railroad main line, in the amount of \$189,283.50, to be paid from Gas Tax Funds, sponsored by Bill Batson.

- (d) Resolution authorizing the City to enter into a contract with J. C. Hamm & Sons, Inc., to provide labor, equipment, materials and incidentals necessary for additional work necessary on the HVAC system at the new Sanitation Department offices, in the total amount of \$6,835.22, to be expensed to Account #1053-43200, sponsored by David Koonce. **(This item was moved to Regular Agenda Item 12 (e))**
- (e) Resolution authorizing the City to enter into a contract with Asplundh Tree Expert Company, to provide labor, equipment, materials and incidentals necessary to provide right-of-way clearance for 59 transmission and distribution circuits for a 3-year period for the Electricity Department, to be paid from Account #571.10 Maintenance of Overhead lines, sponsored by Richard Morrissey.
- (f) Resolution authorizing the City to enter into a contract with Southwest Electric Company, Inc., to provide thermal cleaning, dehydration, and other field services on substations for the Electricity Department, in the amount of \$160.00 per hour, to be paid from Account #570.00 Substation Maintenance, sponsored by Richard Morrissey.
- (g) Resolution authorizing the City to enter into a contract with A-1 Fence Company, Inc., to provide labor, equipment, materials and incidentals necessary to replace the damaged six-foot chain link fencing at the Florence Recycling Center, in the amount of \$2,065.00, to be paid from Account #1053-43125, sponsored by David Koonce.
- (h) Resolution authorizing the City to settle a claim with Donna and Donnie Fritts for an amount not to exceed \$20,746.51, to be paid from Fund 155, Account # 517-41570, sponsored by Bill Musgrove.
- (i) Resolution to appoint David R. Curott to the Historical Board, sponsored by the City Council.
- (j) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to reapportion the existing council districts (wards) pursuant to Section 11-46-23 of the Code of Alabama 1975, as amended, to comply with federal law because of population shifts set forth in the 2010 Census, sponsored by Bill Musgrove.
- (b) Ordinance to rename the section of Spring Street located between South Court Street and Pine Street to Veterans Drive, sponsored by Melissa Bailey.
- (c) Resolution authorizing the Florence Historical Board to establish a Cemetery Rehabilitation Committee, sponsored by Robert Steen.
- (d) Resolution authorizing the City to enter into a contract with Gist Excavating to provide labor, equipment, materials and incidentals necessary to demolish and level the lot and dispose fully of all debris at 511 Poplar Street, sponsored by Melissa Bailey. **(This item was added to the Regular Agenda)**
- (e) Resolution authorizing the City to enter into a contract with J. C. Hamm & Sons, Inc., to provide labor, equipment, materials and incidentals necessary for additional work necessary on the HVAC system at the new Sanitation Department offices, in the total amount of \$6,835.22, to be expensed to Account #1053-43200, sponsored by David Koonce. **(This item was moved from Consent Agenda Item 11 (d))**

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	1 - Vacancy		
Housing & Construction Appeals Board	3 - Vacancies		
Regional Library Board	James H. Nash	01/20/09	01/28/12

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

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

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

16. Motion to Adjourn.

President Barnhart noted that the City Council decided at it's earlier work session to add Regular Agenda Item 12 (d) Resolution authorizing the City to enter into a contract with Gist Excavating for the removal of a house on 511 Poplar Street, sponsored by Melissa Bailey and to move Consent Agenda Item 11 (d) Resolution authorizing the City to enter into a contract with J. C. Hamm & Sons, Inc., to provide labor, equipment, materials and incidentals necessary for additional work necessary on the HVAC system at the new Sanitation Department offices, in the total amount of \$6,835.22, to be expensed to Account #1053-43200, sponsored by David Koonce to Regular Agenda Item 12 (e).

There being no more changes, President Barnhart asked for a motion for approval of the amended agenda. Councilmember Graham moved for approval of the amended 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: No

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Message from the Mayor:

Mayor Irons presented a Proclamation to Mr. Bryan Miller, Chairperson of the Florence Tree Commission, designating the week of February 19-25, 2012 as National Arbor Week in the City of Florence.

Mayor Irons' comments, follow to wit:

Report of Department Heads: None

Report of Standing Committee: None

Councilmember Pendleton made comments regarding the parking of large trucks in residential neighborhoods. Councilmember Pendleton stated that he is working to develop an area of parking for the individuals.

Public Hearing:

President Barnhart noted that this is the date and time advertised for a Public Hearing regarding reapportionment of the existing council districts (wards) pursuant to Section 11-46-23 of the Code of Alabama 1975, as amended, to comply with federal law because of population shifts set forth in the 2010 Census.

City Clerk, Robert M. Leyde stated that this Public Hearing is due to the changing of existing council districts because of population shifts which are based on the 2010 Census. Mr. Leyde further stated that several public meetings have taken place and we had no written commits from the public. Mr. Leyde stated that very few changes were needed and that all of the polling locations remained the same.

Councilmember Pendleton stated that the first public meeting regarding on this matter was on January 9th at the W.C. Handy Center and the second public meeting was on January 10th at the Council Auditorium.

City Clerk, Robert Leyde, stated that once the Council approves the changes then we send the information to the Justice Department for their approval. Mr. Leyde further stated that the citizens whose districts have been changed will receive notification from the Board of Registrars Office.

Mr. Dave Smith, 424 West Tuscaloosa Street, appeared and made comments regarding the district changes. Mr. Smith asked that the Council leave District 1 at a 55 % or greater minority population.

There being no further discussion, President Barnhart closed the public hearing.

Business from the Floor Pertaining to Items on the Consent or Regular Agenda: None

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Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items.

Councilmember Graham moved for approval of the ordinances and resolutions as follow, to-wit:

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to reapportion the existing council districts (wards) pursuant to Section 11-46-23 of the Code of Alabama 1975, as amended, to comply with federal law because of population shifts set forth in the 2010 Census, sponsored by Bill Musgrove. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

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

Discussion:

Councilmember Pendleton made comments in favor of the proposed ordinance. Councilmember Pendleton stated that when he looked at the statistics that show minorities are moving from certain areas in Florence, that proves to him that they can afford to move to other neighborhoods. Councilmember Pendleton further stated that we should vote in favor of this plan and that he does not want to hinder anyone from bettering themselves.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to rename the section of Spring Street located between South Court Street and Pine Street to Veterans Drive, sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the Florence Historical Board to establish a Cemetery Rehabilitation Committee, sponsored by Robert Steen. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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 H. Barnhart
Andrew Betterton

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Gist Excavating to provide labor and equipment to demolish and level the lot and dispose of debris at 511 Poplar Street in the amount of \$4,500.00 sponsored by Melissa Bailey. The Resolution 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.
William D. Jordan
Hermon T. Graham
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with J. C. Hamm & Sons, Inc., to provide labor, equipment, materials and incidentals necessary for additional work necessary on the HVAC system at the new Sanitation Department offices, in the total amount of \$6,835.22, to be expensed to Account #1053-43200, sponsored by David Koonce. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

Discussion:

Councilmember Morris stated that he is voting in favor of this resolution to maintain the integrity of the building.

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

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

Noes: None

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	1 - Vacancy		
Housing & Construction Appeals Board	3 - Vacancies		
Regional Library Board	James H. Nash	01/20/09	01/28/12

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

Mr. Steve Schechner, 103 Charing Cross, appeared and made comments in opposition to the proposed Wal-Mart Super Center coming to North Florence. Mr. Schechner stated that not only will the traffic increase on Cloverdale Road but also on North Wood Avenue. Mr. Schechner further stated that this is a safety and quality of life issue. Mr. Schechner stated that he is a business person and that he believes in progress.

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding the "Global War" on drugs. Mr. Simpson stated that this "war" has failed to protect our citizens. Mr. Simpson further stated that people are using more drugs now than ever before.

Mr. Coy Bramlett, 105 Kensington Drive, appeared and made comments in opposition to the proposed Wal-Mart Super Center coming to North Florence. Mr. Bramlett stated that since beginning this fight opposing Wal-Mart locating on Cloverdale Road, he has had a number of incidences that have occurred which include petition signs being removed. Mr. Bramlett submitted a petition with 795 names. Petition follows, to wit:

Ms. Jan Bramlett, 105 Kensington Drive, appeared and made comments in opposition to the proposed Wal-Mart Super Center coming to North Florence. Ms. Bramlett stated that Florence has a great history. Ms. Bramlett further stated with all the festivals, parks in Florence, we need to question if the City needs another brick and mortar building in a residential area. Ms. Bramlett stated that if we allow urban sprawl, we are choosing money over heritage. Ms. Bramlett presented pictures of several graves at the Wilson Cemetery located near Blackberry Trail Golf Course. Ms. Bramlett noted that this cemetery is not being maintained. Ms. Bramlett further noted that she believes that the Coffee Cemetery that is located near the proposed Wal-Mart will not be maintained if the development is approved.

Ms. Becky Smith, 135 Kensington Drive, made comments regarding a buffer that is in the plans for the proposed Wal-mart Super Center. Ms. Smith stated that she does not know if anyone would buy or build a home that is 65 feet from a big box development.

Mr. Steve Orr, 328 Reddoch Road, appeared and made comments in opposition to the proposed Wal-Mart Super Center coming to North Florence. Mr. Orr noted that he is in support of another Wal-Mart coming to Florence but disagrees with the proposed location. Mr. Orr stated that this area is not the correct place to build a shopping center. Mr. Orr asked the City Council to do what is right for the area.

Mr. Bill Inskeep, 122 Kensington Drive, appeared and also made comments in opposition to the proposed Wal-Mart Super Center development to be located on Cloverdale Road. Mr. Inskeep stated that the neighborhood is currently crime-free but according to research, crime and shoplifting will increase if a Wal-Mart Super Center or another big box retailer are allowed to locate in this residential area. Mr. Inskeep further stated that he is also concerned with the chemicals that will flow from the retailer's parking lot into our sewer system. Mr. Inskeep expressed his appreciation to the City Council for their hard work.

Ms. Kay Williams Kirshler, 418 Robin Hood Drive, appeared and also expressed opposition to the proposed Wal-Mart Super Center. Ms. Kirshler stated that her fear is that Wal-Mart officials will close the store that is located on Cox Creek Parkway. Ms. Kirshler noted that there are a number of cities that are larger than Florence that have only one Wal-Mart.

Mr. Bart Cannon, 303 Ashwoody Drive, appeared and also expressed opposition to the proposed Wal-Mart Super Center. Mr. Cannon expressed his concern regarding the historical Coffee Cemetery that is located near the proposed site. Mr. Cannon stated that the City leaders should follow the City's comprehensive plan. Mr. Cannon further stated that if this property is rezoned to B-2 then all of the out parcels will become a B-2 zone and that could include night clubs and carnivals. Mr. Cannon stated that the traffic and noise from such a development would make it impossible to live nearby. Mr. Cannon made comments regarding the environmental impact to the area. Mr. Cannon stated that the

wildlife would no longer be seen in the neighborhood. Mr. Cannon expressed his concern for the businesses already located in the area. Mr. Cannon also expressed his concern for the Coffee Cemetery located near the proposed site.

Ms. Pam Nahay, 109 Cypress Creek Drive, appeared and also expressed opposition to the proposed Wal-Mart Super Center. Ms. Nahay stated that people are more important than dollars.

Mr. Donald Thomas, 331 Reddoch Road, appeared and also expressed opposition to the proposed Wal-Mart Super Center. Mr. Thomas stated that this development would have a very different dynamic than the other businesses located on Cloverdale Road. Mr. Thomas further stated that this decision will touch on the integrity of our citizens. Mr. Thomas stated that this area should be a priority and that this development would be a major change for the neighborhood.

Mr. Billy Sledge, Oak Terrace Apartments, appeared and also expressed concern for the historical Coffee Cemetery that is located near the proposed site. Mr. Sledge stated that he believes that the development will take part of the historic Black Cemetery that is also located near the Coffee Cemetery.

Mr. Jim Favenisi, 140 Kensington Drive, appeared and also expressed opposition to the proposed Wal-Mart Super Center. Mr. Favenisi stated that we currently have well defined commercial and industrial districts in Florence. Mr. Favenisi asked what the City Council would like Florence to look like in 50 years.

Mr. Bobby Robertson, 314 Sherborne Court, appeared and made comments in favor of the proposed Wal-Mart Super Center. Mr. Robertson stated that he has not encountered traffic problems in the neighborhood or on Cloverdale Road and that he along with a lot of other people in the area are pro Wal-Mart. Mr. Robertson asked everyone what if that property was chosen for the new hospital. Mr. Robertson stated that the Council needs to look at the whole picture. Mr. Robertson further stated that when people come out against a development, it is usually for personal reasons. Mr. Robertson stated that development of property will not please everyone.

Council Reports and/or Comments:

Councilmember Jordan thanked everyone who spoke tonight. Councilmember Jordan thanked the Ruggles' family for purchasing the old Rogers Department Store building located on Court Street. Councilmember Jordan also thanked Mr. Gary Baker for his partnership with the University of North Alabama.

Councilmember Graham thanked everyone for their attendance and for their comments. Councilmember Graham stated that he has met with representatives from Wal-Mart. Councilmember Graham further stated that the current Wal-Mart brings in 10% of our general fund budget. Councilmember Graham stated that he disagrees with the devaluation of property. Councilmember

Graham stated that his home is worth more now that fifteen years ago after the development of Lowes, Cracker Barrel and K-Mart.

Councilmember Graham stated that he disagrees with a recent article in the TimesDaily that the City Council had no other option but to send it's garbage to Mississippi. Councilmember Graham stated that the City did have another option and that was to open up another cell.

Councilmember Morris also thanked everyone in attendance. Councilmember Morris stated he is responding to all the letters and e-mails that he has received regarding the proposed Wal-Mart.

Councilmember Morris made comments regarding the disposal of the city's garbage. Councilmember Morris stated that it costs money to move our garbage to another state but it would cost money to line a new cell. Councilmember Morris further stated that the permitting of a new cell would not be possible until the ground water problems are resolved. Councilmember Morris stated that the Chief Accountant, Dan Barger, stated that a commerical rate increase would be necessary even if we opened another cell or continue to move the garbage out of state.

Councilmember Betterton stated that he has received phone calls, letters and e-mails regarding the proposed Wal-Mart Super Center and is forwarded to the Planning Department. Councilmember Betterton stated Councilmember Betterton further stated that all property that is annexed into the City is annexed as R-1.

Councilmember Betterton made comments regarding the current landfill. Councilmember Betterton stated that an upgraden well has not been found at the current landfill and every time a hole is dug, it costs money.

Councilmember Betterton made comments in support of making synethetic marijuana illegal. Councilmember Betterton stated that this product is in stores where people under the age of 18 can purchase it.

Councilmember Betterton commended Mr. Sledge for his comments and research regarding historical cemeteries.

Councilmember Pendleton stated that he respects any group that comes before the City Council regarding any issues. Councilmember Pendleton further stated that he believes in freedom of speech, freedom of the press and freedom of religion.

Councilmember Pendleton stated that there is no problem at the landfill that science can not solve. Councilmember Pendleton further stated that science will prove that we can use this landfill. Councilmember Pendleton stated that there are professional people working at the landfill.

Councilmember Pendleton made comments regarding the develop of an entertainment district. Councilmember Pendleton stated that we are losing thousands of dollars because we are not capitalizing

on a musical heritage. Councilmember Pendleton further stated that the best place to develop an entertainment district is the old Roberts Plating property and the Street Department property.

Councilmember Pendleton commended UNA Coach Bobby Wallace for recruiting locally and Florence School Superintendent Dr. Womack for her hiring of Coach Dubose.

President Barnhart had no comments.

President Barnhart made a motion to adjourn the meeting.

Councilmember Morris 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 Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK