

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
MARCH 6, 2012**

The regular meeting of the City Council of the City of Florence, Alabama, was held in the City Hall Auditorium in Florence at 10:00 a.m., on Tuesday, March 6, 2012. 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.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

March 6, 2012

“Youth in Government” Day

10:00 A.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:
 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 February 21, 2012.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Parallax Building Systems, Inc., to provide labor, equipment, materials and incidentals necessary for the Creekwood Drive Storm Drainage Correction Project, in the amount of \$138,077.00, to be paid from Fund 188 Drainage Improvements, sponsored by Bill Batson.

- (d) Resolution authorizing the City to enter into a contract with Architects Office LLC, to provide professional architectural services for renovations to the Downtown Parking Deck, to be paid according to a fee schedule from Municipal Capital Improvement Fund 117, sponsored by Bob Leyde.
- (e) Resolution authorizing the City to enter into a contract with Ronnie Gist, DBA Gist Excavating, to provide labor, equipment, materials and incidentals necessary to demolish and dispose of the old house and footings at 616 Laurel Street, in the amount of \$3,400.00, to be paid from budgeted Community Development Block Grant Funds, sponsored by Melissa Bailey.
- (f) Resolution authorizing the City to enter into a contract with Shoals MPE, LLC, to provide labor, equipment, materials and incidentals necessary to install a 20kw three phase natural gas generator and other necessary work at Florence Fire Station No. 3, in the amount of \$7,950.00, to be paid from budgeted Community Development Block Grant Funds, sponsored by Charlie Cochran and Melissa Bailey.
- (g) Resolution authorizing the City to enter into a contract with White, Lynn, Collins, & Associates, Inc., to provide professional land surveying and civil engineering services at the proposed substation site in the Lexington Community for the Florence Electricity Department, in the amount of \$3,200.00, to be paid from budgeted funds Account #350.00 *Land and Land Rights*, sponsored by Richard Morrissey.
- (h) Resolution authorizing the City to enter into a contract with Trans Cycle Industries, LLC, to provide professional services to decommission and dispose of transformers for the Florence Electricity Department, to be paid according to a unit price schedule to be paid from budgeted funds Account #595.00, sponsored by Richard Morrissey.
- (i) Resolution to appropriate \$500.00 to the Community Action Agency for the Meals on Wheels Program, to be paid one-half from Mayor's budgeted Special Project Funds, 398-41111 and one-half from Council's budgeted Special Project Funds, 398-41112, sponsored by Mayor Irons and City Council.
- (j) Resolution to appropriate \$500.00 to the Handy Cabin Committee to promote and advertise the Handy Home Museum, to be paid from Mayor's budgeted Special Project Funds, 398-41111, sponsored by Mayor Irons.
- (k) Resolution to approve the Community Development Program budget for fiscal year 2012-2013 as contained in the attached Action Plan, sponsored by Melissa Bailey.
- (l) Resolution authorizing the City to enter into an Agreement for Right-of-Way Acquisition, Project No. STPOA-8863 (), project Reference No. 100047003 for Hermitage Drive Bridge Replacement (*BIN #000315) over L&N Railroad, sponsored by Bill Batson.
- (m) Resolution to reappoint James Nash to the Regional Library Board, sponsored by the City Council.
- (n) Resolution to reappoint Calvin Durham to the Civil Service Board, sponsored by the City Council.
- (o) Resolution to reappoint Bryan Austin to the Industrial Development Board, sponsored by the City Council.
- (p) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Resolution pledging to continue to levy and collect a seven-mill ad valorem public school tax until the \$20,320,000 Tax Anticipation School Warrants, Series 2012, to be issued by the Florence Board of Education, are retired, sponsored by Bill Musgrove.

- (b) Resolution to authorize and request the Florence Historical Board to establish a committee to identify and coordinate the maintenance of cemeteries in the City, sponsored by Robert Steen.

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>
Housing & Construction Appeals Board	3 - Vacancies		
Industrial Development	1 - Vacancy		
Zoning Adjustments	2 - Vacancies (Supernumerary)		

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

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

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

16. Motion to Adjourn.

President Barnhart welcomed the students from Florence High School for “Youth In Government” Day. President Barnhart noted that Comcast Cable has decided to record the City Council meetings and to re-play them on a different day. President Barnhart stated that this will begin at the first meeting in May.

Councilmember Pendleton expressed his disappointment with Comcast Cable for their decision not to continue to televise the City Council meetings live.

President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Graham 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

Message from the Mayor:

Mayor Irons noted that today is “Youth In Government” sponsored by the Florence Exchange Club. Mayor Irons welcomed 52 students from Florence High School who have been elected to official positions in the City.

Mayor Irons presented a Proclamation recognizing the month of March, 2012 as “Artistic Renderings of Youth Art” month. The Proclamation was received by Ms. Katherine Trousdale, an art student from Florence High School.

Mayor Irons presented a Proclamation designating Saturday, March 10, 2012, as “Cancer Awareness Day and Kudzu Queens’ “Kickin’ Cancer” Event in the City of Florence. The Proclamation was received by Ms. Megan Lovelace, American Cancer Society. Mayor Irons noted that this group of ladies is being honored for all their hard work raising money for the American Cancer Society.

Mayor Irons recognized Coach Byron Graham Florence Falcons Head Boys Basketball Coach, who has been selected as the District’s new Athletics Director. Mayor Irons congratulated Coach Graham on his new position.

Mayor Irons welcomed Coach Jamey DuBose to the City of Florence. Mayor Irons noted that Coach DuBose was recently hired to serve as the head football coach for the Florence Falcons.

Mayor Irons proclaimed Friday, April 6, 2012, as “Brian Felber Day” in the City of Florence. Mayor Irons noted that Mr. Felber graduated from Florence High School in 2007 and joined the United States Marines. On his second tour of Afghanistan, in the fall of 2011, Lance Corporal Felber was injured during combat and lost both of his legs. He is now on the road to recovery and his family and friends are hosting a special day in his honor on April 6th.

Report of Department Heads: None

Report of Standing Committee:

Councilmember Morris noted that the Planning and Building Committee met recently on February 27th regarding the relocation of the Central Office staff of the Florence City Board of Education to the 6th floor of the Florence/Lauderdale Government Building. Councilmember Morris stated that the Board of Education will absorb all the cost for renovations for this move.

Public Hearing: None

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

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 Graham seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding reappointment of persons to the Civil Service Board. Councilmember Pendleton stated that he is against the Civil Service Board seeking a replacement for Police Chief Singleton outside of the Florence Police Department. Councilmember Pendleton further stated that the Florence Police Department has qualified personnel to replace Chief Singleton.

There being no further 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 a Resolution pledging to continue to levy and collect a seven-mill ad valorem public school tax until the \$20,320,000 Tax Anticipation School Warrants, Series 2012, to be issued by the Florence Board of Education, are retired, sponsored by Bill Musgrove. Said Resolution follows, to wit:

Councilmember Morris 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

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

Discussion:

Councilmember Morris made comments in support of the proposed resolution. Councilmember Morris noted that the legislative act that allows the City to levy and collect this tax was enacted in 1923 and that it would take an act on our part to stop the tax.

Councilmember Pendleton made comments in support of the proposed resolution. Councilmember Pendleton stated that this tax is for the future of our children.

President Barnhart questioned whether the Administration wants to continue to collect the money.

Councilmember Graham made comments in favor of the proposed resolution. Councilmember Graham stated that education is our number one economic tool.

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 a Resolution to authorize and request the Florence Historical Board to establish a committee to identify and coordinate the maintenance of cemeteries in the City, sponsored by Robert Steen. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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 H. Barnhart
Andrew Betterton

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

Discussion:

Councilmember Pendleton stated that he is in favor of the proposed resolution because of his concern about the slave cemetery near the proposed Wal-Mart site in North Florence.

Councilmember Pendleton further stated that he does not want this cemetery to be used as a tool for not allowing growth in that area. Councilmember Pendleton stated that he will not allow development to go forward that will disturb the memory of our citizens' loved ones.

Councilmember Betterton thanked Mr. Billy Joe Sledge for bringing this issue to the City Council's attention. Councilmember Betterton stated that we should preserve our historical cemeteries and that the Historical Board is moving forward with this endeavor.

President Barnhart asked William Musgrove, City Attorney, if this resolution obligates the City financially. Mr. Musgrove stated that it does not.

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>
Housing & Construction Appeals Board	3 - Vacancies		
Industrial Development	1 - Vacancy		
Zoning Adjustments	2 - Vacancies (Supernumerary)		

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

Mr. Ken Shepski, owner of Sweet Magnolia Café, asked that the City Council vote in favor of the Café being allowed to serve liquor.

Ms. Margaret DeWolfe, Sherwood Forest, appeared and made comments in opposition to the proposed Wal-Mart Super Center coming to North Florence. Ms. DeWolfe stated that this is not about Wal-Mart, but what is the best use of the Barnett property. Ms. DeWolfe further stated that this property should remain residential for our children.

Mr. Coy Bramlett, 105 Kensington Drive, made comments regarding the Barnett property that is the site for the proposed Wal-Mart Super Center coming to North Florence. Mr. Bramlett stated that in 1818 General John Coffee moved to this area and purchased 1,280 acres where the proposed Wal-Mart is to be built. Mr. Bramlett further stated that on this site he built a family cemetery that contains 38 graves. Mr. Bramlett stated that in the back of the cemetery is six marked graves of people that were house servants. Mr. Bramlett stated that there could be more graves that are unmarked in that area. Mr. Bramlett further stated that the proposed Wal-Mart development should not go forward.

Council Reports and/or Comments:

Councilmember Morris welcomed the students and also thanked “Kudzu Queens” for their fund raising.

Councilmember Morris made comments regarding Comcast Cable’s decision to broadcast City Council meetings on a tape-delayed basis. Councilmember Morris stated that Comcast is not the only venue for broadcasting the council meetings.

Councilmember Betterton made comments regarding the fund raising that the “Kudzu Queens” do for the American Cancer Society. Councilmember Betterton noted that he is a husband of a cancer survivor.

Councilmember Pendleton stated that he was dissatisfied with Comcast's decision to broadcast City Council meetings on a tape-delayed basis. Councilmember Pendleton further stated Comcast Cable collects a lot of money from the citizens of Florence.

Councilmember Pendleton made comments regarding the new Science Building at the University of North Alabama. Councilmember Pendleton stated that he met with Dr. Cale and told him that the new Science Building needs to be built between Cypress Street in West Florence and Locust Street. Councilmember Pendleton commended UNA for providing transportation for the students. Councilmember Pendleton thanked Dr. Cale for meeting with him.

Councilmember Jordan made comments congratulating Coach Byron Graham, Florence Falcons Head Boys Basketball Coach, who was recently selected as the District's Athletic Director and also the hiring of Coach Jamey Dubose as the Florence Falcons Head Football Coach.

Councilmember Jordan stated that he is in full support for the City to continue to collect a seven-mill ad valorem public school tax.

Councilmember Graham welcomed the students from Florence High School.

Councilmember Graham also congratulated Coach Byron Graham and Coach Jamey Dubose on their new positions.

Councilmember Graham also thanked the Kuduz Queens for their hard work.

President Barnhart had no comments.

Councilmember Graham presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

City of Florence, AL
Minutes of City Council
March 6, 2012