

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
MARCH 20, 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, March 20, 2012. 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 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

March 20, 2012

5:00 P.M.

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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:
 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 March 6, 2012.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Atlas Builders & Roofing, Inc., to provide labor, equipment, materials and incidentals necessary to apply duro-last membrane and ½ inch iso board to the flat roof at the Kennedy Douglas Art Center, in the amount of \$2,250.00, to be paid from budgeted funds in Account #1053-43600 sponsored by Todd Nix.
- (d) Resolution authorizing the City to enter into a contract with Atlas Builders & Roofing, Inc., to provide labor, equipment, materials and incidentals necessary to remove and replace the shingle roof at the Kennedy Douglas Art Center and Studio, in the amount of \$10,098.00, to be paid from budgeted funds in Account #1053-43600, sponsored by Todd Nix.

- (e) Resolution authorizing the City to enter into a contract with Hand Service Company, Inc., to provide labor, equipment, materials and incidentals necessary to repair the plumbing on pump No. 8 at the River Heritage Park, in the amount of \$2,241.89, to be paid from budgeted funds in Account #44725-00260, sponsored by Todd Nix.
- (f) Resolution authorizing the City to enter into a contract with Hand Service Company, Inc., to provide labor, equipment, materials and incidentals necessary to replace the lantern rings on the eight (8) pumps at the River Heritage Park, in the amount of \$5,850.00, to be paid from budgeted funds in Account #44725-00260, sponsored by Todd Nix.
- (g) Resolution authorizing the City to enter into a contract with Gann's Discount Siding, Inc., to provide labor, equipment, materials and incidentals necessary to install siding on the Deibert House and Pool House, in the amount of \$4,370.00, to be paid from budgeted funds in Account #1053-44410, sponsored by Todd Nix.
- (h) Resolution authorizing the City to enter into a contract with Tim Rhodes Electric Company, Inc., 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.
- (i) Resolution authorizing the City to enter into a contract with USIC Locating Services, Inc., to provide labor, equipment, materials and incidentals necessary to locate and mark underground facilities (Electric, Natural Gas, Water, Sanitary Sewer and Storm Sewer), in the amount of \$19.50 per Notification; \$42.00 Hourly Rate; \$43.25 Callout after Normal Hours and \$320.00 per Day Site Surveillance, to be paid from budgeted funds in Account #594.00 Maintenance of Underground Lines, sponsored by Richard Morrissey.
- (j) Resolution authorizing the City to enter into an Professional Consulting Agreement with Payne Pipeline Service, to be paid according to a fee schedule, to be paid from budgeted Account #928.00 Regulatory Expense, sponsored by Mike Doyle.
- (k) Resolution to declare the week of April 8-14, 2012 as National Public Safety Telecommunications Week to honor telecommunications professionals who aid in providing 9-1-1 emergency assistance to citizens, sponsored by George Grabryan.
- (l) Resolution to appropriate \$5,000.00 to the University of North Alabama to support the Front Porch Storytelling Festival, with \$2,500.00 to be paid from the Mayor's Special Projects Fund and \$2,500.00 to be paid from the City Council's Special Projects Fund, sponsored by Mayor Irons and the City Council.
- (m) 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.
- (n) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to annex property lying partly in Section 32, Township 2 South, Range 10 West and partly in Section 5, Township 3 South, Range 10 West in Lauderdale County, Alabama, into the corporate limits of the City of Florence, said property to be located in District 6, sponsored by Bill Musgrove.
- (b) Ordinance to declare property described as land parcels numbered 41-24-01-12-4-001-017.000, 41-24-01-12-4-011-018.000, 41-24-01-12-4-012-025.000, and 41-24-01-12-4-012-026.000, as surplus property and authorizing the sale and conveyance of the property for the sum of \$12,800.00, sponsored by Hermon Graham and Bill Musgrove.

- (c) Resolution to enroll in the minutes of the City Council the letter from the U.S. Department of Justice dated March 7, 2012, approving the City of Florence redistricting plan submitted pursuant to Section 5 of the Voting Rights Act of 1965, as amended, sponsored by Bill Musgrove.
- (d) Resolution to approve Wrecker Rotation Fee Schedule changes for impounded vehicles, storage of vehicles, and addition of a fee when a vehicle is required to be wenched, sponsored by Rick Singleton and Phil Stevenson.
- (e) Resolution to vacate Rights of Way located in Heritage Village Subdivision, sponsored by Melissa Bailey.
- (f) Ordinance to enter into a lease agreement with the Florence Board of Education to occupy the sixth floor of the Florence/Lauderdale Government Building for a term of 15 years, sponsored by Andy Betterton. **(This ordinance was added to the Regular Agenda)**

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 Betterton
Councilmember Pendleton
Councilmember Jordan
Councilmember Graham
Councilmember Morris
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 (f) Ordinance authorizing the City to enter into a lease agreement with the Florence City Board of Education to occupy the 6th floor of the Florence/Lauderdale Government Building for a period of 15 years at no cost sponsored by Councilmember Betterton.

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

In the absence of Mayor Irons, President Barnhart presented a Proclamation to declare April, 2012, as “Parental Alienation Prevention” month and Wednesday April 25th, 2012 as “Parental Alienation Awareness” day as requested by the Alabama Family Rights Association in order to promote good parenting communication.

Public Hearing: None

Report of Department Heads: None

Report of Standing Committee:

Councilmember Pendleton made comments regarding the recent meeting that took place at the Coffee Cemetery that is located near the proposed site of the new Wal-Mart location. Councilmember Pendleton stated that those in attendance were a number of local ministers, Tom McKnight, President of the Historical Society, Robert Palmer, Times Daily Newspaper, Councilmember Jordan and others. Councilmember Pendleton stated that we to make sure that the graves are not desecrated. Councilmember Pendleton further stated that we are moving in the right direction regarding this property. Councilmember Pendleton stated that he has been touched by all of the support from local citizens and also from Wal-Mart officials who want to preserve the dignity of the Coffee Cemetery. Councilmember Pendleton further stated that he is taking this situation very seriously and that we are going to take care of our ancestors. Councilmember Pendleton stated that his interest in this matter began in 2005.

Councilmember Betterton made comments regarding Animal Control. Councilmember Betterton stated that Chief Singleton and Todd Nix are working together on new ideas. Councilmember Betterton further stated that he will keep everyone up to date regarding this matter.

Councilmember Pendleton thanked the public for keeping us informed of problems.

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. 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

Robert M. Leyde, City Clerk, presented an Ordinance to to annex property lying partly in Section 32, Township 2 South, Range 10 West and partly in Section 5, Township 3 South, Range 10 West in Lauderdale County, Alabama, into the corporate limits of the City of Florence, said property to be located in District 6, sponsored by Bill Musgrove. Said Ordinance follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing ordinance.

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 Jordan moved for adoption of the foregoing ordinance. 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

Robert M. Leyde, City Clerk, presented an Ordinance to declare property described as land parcels numbered 41-24-01-12-4-001-017.000, 41-24-01-12-4-011-018.000, 41-24-01-12-4-012-025.000, and 41-24-01-12-4-012-026.000, as surplus property and authorizing the sale and conveyance of the property for the sum of \$12,800.00, sponsored by Hermon Graham and Bill Musgrove. Said Ordinance follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing ordinance.

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 Jordan moved for adoption of the foregoing ordinance. 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 Leyde, presented a Resolution to enroll in the minutes of the City Council the letter from the U.S. Department of Justice dated March 7, 2012, approving the City of Florence redistricting plan submitted pursuant to Section 5 of the Voting Rights Act of 1965, as amended, sponsored by Bill Musgrove. 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.
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.

Discussion:

Councilmember Pendleton thanked the citizens of Florence for their participation in this process. Councilmember Pendleton stated that he has tries to represent all citizens.

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 Leyde, presented a Resolution to approve Wrecker Rotation Fee Schedule changes for impounded vehicles, storage of vehicles, and addition of a fee when a vehicle is required to be wenched, sponsored by Rick Singleton and Phil Stevenson. Said Resolution follows to wit:

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

Noes: None

City Clerk, Robert Leyde, presented a Resolution to vacate Rights of Way located in Heritage Village Subdivision, sponsored by Melissa Bailey. Said Resolution follows, to wit:

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

Noes: None

Councilmember Betterton 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 Leyde, presented an Ordinance to enter into a lease agreement with the Florence Board of Education for the sixth floor of the Florence-Lauderdale Government Building located at 102 South Court Street at no cost for a term of 15 years, sponsored by Andy Betterton. Said Ordinance follows, to wit:

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

Noes: James H. Barnhart

(This ordinance did not receive immediate consideration, therefore it will carry over until the next City Council meeting.)

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. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding the fairness of our laws. Mr. Simpson stated that life is not fair, but governments and the criminal justice systems should be fair. Mr. Simpson further stated that the local government's main purpose is to protect the citizens of Florence. Mr. Simpson stated that there are more people addicted to drugs that are man made than those that are God made such as marijuana.

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments regarding the recent problems at the City's landfill. Mr. Cope stated that there is currently a problem at the landfill that has caused contamination to flow into Cypress Creek. Mr. Cope further stated that ADEM has recently sited the landfill for water violations. Mr. Cope presented a copy of a memo from ADEM (water division) that was delivered to Mayor Irons last week. Mr. Cope's copy follows, to wit:

Mr. Cope stated that this memo recognizes leachate being leaked into Cypress Creek and that these are serious violations. Mr. Cope further stated the City needs to extent the contract for the transfer station.

Mr. Charles Rose, Shoals Environmental Alliance, appeared and made comments regarding the City's landfill. Mr. Rose stated that these are not just memos from ADEM but are notice of violations. Mr. Rose further stated that the landfill is in violation of its permit from ADEM. Mr. Rose stated that after a 1 inch rain fall earlier this year there was a large amount of leachate escaping from the sediment pond into Cypress Creek. Mr. Rose further stated that five days after David Koonce wrote a letter to ADEM on March 5th stating that dirt was hauled into the landfill to cover exposed waste and to repair the leache outbreaks, it rained again and more foamy leachate was leaking into the creek. Mr. Rose stated that he recommends closing the landfill and capping off the cells to stop the leaking.

Ms. Marilyn Johnson, 2815 Alexander Street, appeared and made comments in opposition to the proposed Wal-Mart Super Center to be located in North Florence. Ms. Johnson stated that the City Council has an obligation to protect all the citizens of Florence.

Mr. Bill Inskeep, 122 Kensington Lane, appeared and presented an undated list of petitions that currently totals 1145 and also made comments in opposition to the proposed Wal-Mart Super Center to be built in North Florence. Mr. Inskeep's petition follows, to wit:

Mr. Inskeep stated that the signatures come from all six City Council districts. Mr. Inskeep further stated that the Council is to support 100% of the citizens. Mr. Inskeep stated that the majority of the people who are in support of Wal-Mart are not citizens of the City. Mr. Inskeep further stated that another Wal-mart would be bad for Florence.

Mr. Coy Bramlett, 105 Kensington Lane, appeared and made comments in opposition to the proposed Wal-Mart Super Center to be built in North Florence. Mr. Bramlett stated the Council should consider this decision very carefully. Mr. Bramlett further stated that the City of Huntsville recently voted to not allow another Wal-Mart to be built in South Huntsville due to the increase of traffic in residential areas. Mr. Bramlett stated that there have been no impact studies regarding this matter. Mr. Bramlett also stated that Coffee Cemetery must need be preserved.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding marijuana. Mr. Crowder stated that God did not take the plant from which marijuana is derived from and formulate the drug marijuana.

Ms. Trish Barnett, 112 Lambeth Street, appeared and made comments in opposition to the proposed Wal-Mart Super Center to be built in North Florence. Ms. Barnett stated that this area's Christian values and morals are what make this City a wonderful place to live. Ms. Barnett further stated that we do need jobs in this area that will allow people to take care of their families. Ms. Barnett stated that a new Wal-Mart will create jobs for the people who have lost their jobs from the retailers in that area. Ms. Barnett further stated that there are only so many groceries that this area can purchase. Ms. Barnett stated that it is the City Council's job to protect the citizens of Florence.

Mr. Billy Joe Sledge, 3150 Roberson Road, Apt # 509, appeared and made comments regarding the Florence/Lauderdale Public Library. Mr. Sledge stated that the historical books are now on computer and that the books have been thrown away. Mr. Sledge further stated that this is the policy of the library that if the books are on computer, then the books are destroyed.

Council Reports and/or Comments:

Councilmember Betterton had no comment.

Councilmember Pendleton made comments regarding the proposed Wal-Mart to be built in North Florence. Councilmember Pendleton stated that he understands that some people are not in support of the proposed Wal-Mart to be built in North Florence, but these people should not demonize others for their opinion. Councilmember Pendleton further stated everyone wants freedom as long as you are going along with what they want. Councilmember Pendleton stated that he is listening to everyone and that he believes the City is moving in the right direction.

Councilmember Jordan thanked Mr. David Cope and Mr. Charles Rose for bringing the City Council recent information regarding the landfill. Councilmember Jordan stated that he is in full support of closing the current landfill and to continue to haul garbage to the transfer station.

Councilmember Graham thanked everyone for their attendance tonight. Councilmember Graham stated that this will be the last Council meeting that will be aired live on Comcast Cable.

Councilmember Morris thanked those who come to the meetings to keep us informed regarding the landfill and other matters.

President Barnhart quoted Mr. Simpson by stating that everyone wants their garbage hauled off but no one wants a landfill in their backyard. President Barnhart stated that this quote can also be applied to the proposed Wal-Mart to be built in North Florence.

President Barnhart presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK