

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
MAY 3, 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 3, 2011. 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

May 3, 2011

5:00 P.M.

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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: *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 April 19, 2011. **(This item was moved to Regular Agenda Item 12 (b))**
- (b) Confirm payment of bills by the City Treasurer. **(This item was moved to the Regular Agenda Item 12 (c))**
- (c) Resolution authorizing the City to enter into a contract with Angela Vanderford to conduct Aqua Zumba classes at the Parks and Recreation Royal Avenue and Handy Center pools, 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 Crouch Engineering, P.C., to provide professional services to design railroad grade crossing on Veterans Drive, in the amount of \$19,660.00, to be paid from Fund 126, Account #954-41570, sponsored by Bill Batson.

- (e) Resolution authorizing the City to enter into a contract with B. H. Craig Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Cypress Creek Wastewater Treatment Plant In fluent Pump Station Improvements, in the total contract amount of \$2,397,000.00, to be paid from the balance of the Alabama State Revolving Loan Funds, sponsored by Mike Doyle. **(This item was moved to Regular Agenda Item 12 (d))**
- (f) Resolution to reappoint Dr. Richard H. Davy to the Riverbend Center for Mental Health - Board of Directors, sponsored by the City Council.
- (g) 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. (This item was removed)**
- (b) Approval of minutes of the Regular Meeting held on April 19, 2011. **(This item was moved from Consent Agenda Item 11 (a))**
- (c) Confirm payment of bills by the City Treasurer. **(This item was moved from Consent Agenda Item 11 (b))**
- (d) Resolution authorizing the City to enter into a contract with B. H. Craig Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Cypress Creek Wastewater Treatment Plant In fluent Pump Station Improvements, in the total contract amount of \$2,397,000.00, to be paid from the balance of the Alabama State Revolving Loan Funds, sponsored by Mike Doyle. **(This item was moved from Consent Agenda Item 11 (e))**
- (e) Resolution declaring existence of a local emergency due to conditions of extreme peril to the safety of person and property having arisen with the City of Florence, caused by tornados and thunderstorms, extremely high winds, flooding and related causes, commencing on or about April 15, 2011 and forward, and that the aforesaid conditions of extreme peril warrant and necessitate the declaration of the existence of a local emergency, sponsored by George Grabryan. **(This item was added to the Regular Agenda)**

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by NEW PEKING INC., d/b/a NEW PEKING, located at 1701 FLORENCE BLVD., 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		
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 Morris
Councilmember Betterton
Councilmember Pendleton
Councilmember Jordan
Councilmember Graham
Councilmember Barnhart

16. Motion to Adjourn.

President Barnhart noted that at the earlier work session it was decided to add a Resolution declaring existence of a local emergency due to conditions of extreme peril to the safety of person and property having arisen with the City of Florence, caused by tornados and thunderstorms, extremely high winds, flooding and related causes, commencing on or about April 15, 2011 and forward, and that the aforesaid conditions of extreme peril warrant and necessitate the declaration of the existence of a local emergency, sponsored by George Grabryan to the Regular Agenda Item 12 (e); and Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on April 19, 2011 was moved to Regular Agenda Item 12 (b), Consent Agenda Item 11(b) Confirm payment of bills by the City Treasurer was moved to Regular Agenda Item 12 (c) and Consent Agenda Item 11 (e) Resolution authorizing the City to enter into a contract with B. H. Craig Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Cypress Creek Wastewater Treatment Plant In fluent Pump Station Improvements, in the total contract amount of \$2,397,000.00, to be paid from the balance of the Alabama State Revolving Loan Funds, sponsored by Mike Doyle was moved to Regular Agenda Item 12 (d). Councilmember Pendleton requested that Regular Agenda Item 12 (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. Councilmember Pendleton moved for the removal of the resolution be removed until additional information is received. Councilmember Jordan seconded the motion.

Discussion:

Councilmember Morris wanted to designate a special time to meet and discuss the issue.

President Barnhart did not want to designate a time but stated that he wants to wait until additional information is received and will schedule a time for discussion.

Councilmember Jordan stated that this item could be a time sensitive issue.

President Barnhart stated that when he receives the information, he will schedule a meeting to discuss it thoroughly and be ready to vote on the resolution at the next scheduled City Council meeting.

Councilmember Pendleton stated that he feels that this is not a time-sensitive issue.

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

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

**MAYOR'S COMMENTS
CITY COUNCIL MEETING**

May 3, 2011

1. Present **PROCLAMATION** designating the week of May 8 through May 14, 2011, as **NATIONAL WOMEN'S HEALTH WEEK**. To be received by Ms. Bonita McCay, Executive Director of the Northwest Alabama Community Health Association.
2. Read **PROCLAMATION** designating today, May 3, as **COACH GENE CHIZIK**. We are proud of our athletic teams and pleased to recognize Coach Chizik for his accomplishments.

MAYOR'S COMMENTS:

I am sure that last week's tornadic weather will go down in history as the worst devastation and the largest number of deaths that we have ever experienced in Alabama. Here, locally, we are thankful that our area was spared. Our nearby neighbors in Phil Campbell and Hackleburg and many more of our sister cities across north Alabama were not as fortunate. We send our deepest sympathy and our thoughts and prayers to them during these difficult times, and we offer our assistance in any way possible during their clean up and rebuilding efforts. As a note, we have already sent crews from our Police, Fire, Animal Control, and EMA, and we will send Electrical and Tree Crews as needed. We will also receive items for the disaster relief effort at each Fire Station in Florence. There are five stations located throughout the City. Donations will be received between 8:00 a.m. and 6:00 p.m., Monday through Friday.

Due to the heavy rains and winds which downed trees and power lines, our area was crippled for several days. Thousands of people were without electricity and some of our streets were impassable. I want to thank our citizens for your patience and for your many compliments to our City employees regarding their dedication and commitment to restore our area to normalcy as quickly as possible. We have great employees in our City and I want to thank them publically for their outstanding service during this critical time. We are proud of them and appreciate everything they do to make Florence a great place to live.

Speaking of a great place to live, the Garden and Guns magazine, in their April/May issue, selected Florence as the Best Art & Design Town in America. This is a great honor to our City and gives us tremendous recognition throughout the country. The reason for being designated is because we have world renowned clothiers, Billy Reid and Natalie Chanin, the W. C. Handy Music Festival, the Arts Alive Festival, the Kennedy-Douglass Art Center, the Frank Lloyd Wright-Rosenbaum House, and First Fridays' art galleries. In addition, the magazine recognized Trowbridges and Sweet Magnolias Cafés and artists, Robin Wade, Tommy Mathis, and Audwin McGee.

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Reports of Department Heads: None

Reports of Standing Committees: None

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 Graham 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

Regular Agenda:

City Clerk, Robert M. Leyde, presented a Resolution for approval of minutes of the Regular Meeting held on April 19, 2011. **(This item was moved from the Consent Agenda Item 11 (a))** Said Resolution 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.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton made comments regarding a Resolution that declared a portion of the former Florence Golf & Country Club property as surplus and gave Mayor Irons the authority to negotiate a sale for the property that appeared and was approved on April 19, 2011.

Councilmember Pendleton wanted it noted that he did not vote in favor of the aforementioned resolution and therefore would not vote in favor of the minutes of that meeting.

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: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution to confirm payment of bills by the City Treasurer. **(This item was moved from the Consent Agenda Item 11 (b) Said Resolution 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.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton made comments in opposition to the 3% cost of living increase that was approved for City employees in October 2010. Councilmember Pendleton made comments regarding all taxes that are collected by the City. Councilmember Pendleton stated that we should give an account of all expenditures and the balance that remains.

Councilmember Betterton stated that we need to be careful regarding any changes of accounting practices and we need to consult our accountants before any changes are made.

Councilmember Pendleton stated that he would like a common name for accounts and account balances. Councilmember Pendleton also stated that he did not want any technical terms changed.

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: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with B. H. Craig Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Cypress Creek Wastewater Treatment Plant In fluent Pump Station Improvements, in the total contract amount of \$2,397,000.00, to be paid from the balance of the Alabama State Revolving Loan Funds, sponsored by Mike Doyle. **(This item was moved from the Consent Agenda, Item 11 (e) 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 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.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution declaring existence of a local emergency due to conditions of extreme peril to the safety of person and property having arisen with the City of Florence, caused by tornados and thunderstorms, extremely high winds, flooding and related causes, commencing on or about April 15, 2011 and forward, and that the aforesaid conditions of extreme peril warrant and necessitate the declaration of the existence of a local emergency, sponsored by George Grabryan. **(This item was added to the Regular Agenda)** 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.
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 Jordan seconded the motion.

Discussion:

Councilmember Graham noted that this resolution will enable the citizens of Florence to apply for FEMA assistance.

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

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 NEW PEKING INC., d/b/a NEW PEKING, located at 1701 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing ordinance.

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

Discussion:

President Barnhart noted that this application is for a change of ownership.

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:

(c) 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

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

Mr. Billy Sledge, appeared and made comments regarding the cemetery that is located on the former Florence Golf & Country Club property. Mr. Sledge stated that the public needs to know what is going to happen to the cemetery. Mr. Sledge noted that there are 100 graves and that there are Civil War, World War I and World War II soldiers buried in the cemetery.

Councilmember Pendleton thanked Mr. Sledge for his information that he sent to each Councilmember.

Mr. Sledge stated that he would like to see the City install a fence around the cemetery and have City employees to maintain it. Councilmember Graham ask Mr. Sledge who maintains the cemetery now. Mr. Sledge noted that volunteers take care of the cemetery.

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments regarding the April 24, 2011, Times Daily article referencing Mr. Steve Pierce's, University of North Alabama President of the Board of Trustees, comments regarding the former Florence Golf & Country Club property. Mr. Smoak noted that Mr. Pierce is quoted in the article as saying that UNA would not be interested in purchasing the property if there is a plan for expanding the landfill. Mr. Smoak stated that he believes that this could be a factor in the sale. Mr. Smoak also stated that UNA should not use the expansion as a threat not to purchase the property. Mr. Smoak stated that Councilmember Jordan and Councilmember Morris should not vote on the expansion of the landfill due to their ties with UNA.

Mr. Smoak also made comments regarding the expansion of the landfill. Mr. Smoak stated that the City Council should investigate and do what is best for the citizens of Florence. Mr. Smoak also congratulated Florence City School System on their improvement of graduation rates.

Council Reports and/or Comments:

Councilmember Morris made comments regarding the town of Phil Campbell that was devastated by tornados on April 27, 2011. Councilmember Morris stated that he went to Phil Campbell with staff and students from UNA and was overwhelmed by the destruction. Councilmember Morris also stated that 40% of residences were un-inhabitable and was amazed at the generosity of the people that had come at to help.

Councilmember Betterton noted that his District 6 Community meeting will be coming up soon and it will include Mr. Jim Fisher who is District 6 School Boardmember.

Councilmember Betterton made comments regarding the recent storms. Councilmember Betterton stated that we need to continue to help and support these individuals in the future.

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Councilmember Betterton commended the City employees who worked so hard getting utilities restored and streets cleaned up after the storm.

Councilmember Betterton made comments regarding sales tax collection. Councilmember Betterton stated that he is very please with the recent increase.

Councilmember Pendleton submitted a copy of Mayor Irons' comments dated September 21, 2010, which follow to wit:

Councilmember Pendleton stated that he knew of no plans to sell a portion of the former Florence Golf & Country Club property to the University of North Alabama. Councilmember Pendleton stated that we have the right to religious freedom, freedom of speech and the freedom to petition your government.

Councilmember Jordan thanked City employees for their hard work during the recent storms.

Councilmember Graham also commended City employees for their hard work during and after the recent storms. Councilmember Graham announced that the Florence Police Department Awards Banquet will be Sunday, May 15th.

President Barnhart noted that the W. C. Handy Home is on the cover of Gardens & Guns Magazine. President Barnhart expressed his gratitude to everyone who travel to Phil Campbell and other areas to assist with the cleanup.

There being no more comments, Councilmember Graham made a motion to adjourn the meeting. 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 Barnhart Andrew Betterton
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Noes:	None
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Councilmember Betterton presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

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