

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
OCTOBER 4, 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, October 4, 2011. 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.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

October 4, 2011

5:00 P.M.

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:
 - (a) Rezoning of the SW corner of Dudley Avenue and Jones Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential – Business District) as requested by Riverbend Center for Mental Health, Inc.
 - (b) Rezoning of 116 South Pine Street from B-2 (General Business District) to B-3 (Central Business District) as requested by Wilson Commercial Properties, LLC.
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 September 20, 2011.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with the Northwest Alabama Council of Local Governments to provide public transportation along designated routes to the citizens of the City of Florence, at the rate of \$1.05 per mile plus \$11.59 per hour, to be paid from budgeted Community Development Block Grant Funds, sponsored by Mayor Irons. **(This item was removed)**

- (d) Resolution authorizing the City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to clear and spray brush, blight, privet and debris from rights-of-way on West Mobile Street near Perkins Street and other areas of West Florence, in the amount of \$43,500.00, to be paid from One Cent Sales Tax Blight Removal, sponsored by Melissa Bailey.
- (e) Resolution authorizing the City to enter into an Emergency Shelter Grant Program Sub-Recipient Funding Contract with the Society of St. Vincent De Paul, in the amount of \$10,000.00, to be paid from budgeted Community Development Block Grant Funds, sponsored by Melissa Bailey.
- (f) Resolution authorizing the City to enter into an Emergency Shelter Grant Program Sub-Recipient Funding Contract with the Community Action Agency of Northwest Alabama, Inc., in the amount of \$8,400.00, to be paid from budgeted Community Development Block Grant Funds, sponsored by Melissa Bailey.
- (g) Resolution authorizing the City to enter into an Emergency Shelter Grant Program Sub-Recipient Funding Contract with Safeplace, Inc., in the amount of \$79,000.00, to be paid from budgeted Community Development Block Grant Funds, sponsored by Melissa Bailey.
- (h) Resolution authorizing the City to approve a Commercial Leveraging Loan in the amount of \$35,792.50 to Stephen Lund for improvements to the property located at 417 East Tennessee Street, sponsored by Melissa Bailey.
- (i) Resolution to approve a Satisfaction of Mortgage to Janice G. Scott, sponsored by Melissa Bailey.
- (j) Resolution authorizing the City to make a Grant Application to the Alabama Department of Economic and Community Affairs Law Enforcement Planning, under the Omnibus Crime Control and Safe Streets Act of 1968 (P.O. 90-351 as amended), for continued assistance for the Lauderdale County Drug Task Force. The total grant amount is \$165,333.33 with the Federal Award of \$124,000.00 and the Matching Portion of \$42,333.33 to be split among the four participating agencies with each agency being responsible for 25% of the matching funds or \$10,583.33, City's match to be paid from 800-42100 Grant Matching Funds, sponsored by Rick Singleton.
- (k) Resolution authorizing the City to approve an Agreement with the Lauderdale County Drug Task Force relative to the grant funds received through the Alabama Department of Economic and Community Affairs, sponsored by Rick Singleton.
- (l) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to rezone the Southwest corner of Dudley Avenue and Jones Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential – Business District), sponsored by Melissa Bailey.
- (b) Ordinance to rezone 116 South Pine Street from B-2 (General Business District) to B-3 (Central Business District), sponsored by Melissa Bailey.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 8730, located at 2929 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) Resolution – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 4208, located at 3308 CLOVERDALE ROAD, FLORENCE, AL 35633, sponsored by Robert M. Leyde.

- (c) Resolution – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 3663, located at 1115 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (d) Resolution – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 11742, located at 736 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (e) Resolution – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 7750, located at 1501 NORTH WOOD AVENUE, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (f) Resolution – Alcohol Beverage License Application for the operation of a Package Liquor Store with Off-Premises Liquor, Beer & Wine by C & S PACKAGE STORE, INC., d/b/a DARBY DRIVE PACKAGE STORE, located at 1820 DARBY DRIVE, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (g) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Agri-Business Center	David Beasley	02/03/09	11/15/11
Beautification Board	Linda VanSandt 3 - Vacancies	08/05/08	11/01/11
Housing & Construction Appeals Board	3 - Vacancies		
Library Board	1 - Vacancy		
Parks & Recreation	Mansfield “Pete” Key 1 - Vacancy	12/19/06	10/30/11
SEDA	Martin R. Abroms 1 - Vacancy	12/18/08	09/30/11
Tree Commission	Preston Hillis	02/03/09	11/03/11

- 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 at the earlier work-session, it was decided to remove Consent Agenda Item 11 (c) Resolution authorizing the City to enter into a contract with the Northwest Alabama Council of Local Governments to provide public transportation along designated routes to the citizens of the City of Florence, at the rate of \$1.05 per mile plus \$11.59 per hour, to be paid from budgeted Community Development Block Grant Funds, sponsored by Mayor Irons.

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

Noes: None

Message from the Mayor:

Mayor Irons presented a Proclamation designating the week of October 2 thru 8, 2011, as “Mental Illness Awareness” week. The Proclamation was received by Mr. Don Rohling, President of the National Alliance on Mental Illness in the Shoals.

Mayor Irons presented a Proclamation designating the week of October 3 thru 7, 2011, as “Adult Literacy Week in the Shoals.” The Proclamation was received by Mr. Jim Green, Program Coordinator for the Northwest Alabama Reading Aides, Inc., and Ms. Sue Gordon, who serves on their Board of Directors.

Mayor Irons comments follow, to wit:

Reports of Department Heads: No

Reports of Standing Committees:

Councilmember Pendleton made comments regarding the parking of 18 wheel trucks in residential areas. Councilmember Pendleton stated that he is currently working on this matter.

Public Hearing:

President Barnhart noted that this is the date and time advertised for the Public Hearing regarding the proposed rezoning of the SW corner of Dudley Avenue and Jones Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential – Business District) as requested by Riverbend Center for Mental Health, Inc. and the proposed rezoning of 116 South Pine Street from B-2 (General Business District) to B-3 (Central Business District) as requested by Wilson Commercial Properties, LLC.

Melissa Bailey, Planning Director, appeared and stated that the Florence Planning Commission voted unanimously to recommend the approval of the proposed rezonings.

There were no comments from the City Council or the public.

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

Mr. Miles Colcock, 136 Creekside Drive, appeared and made comments regarding unimproved rights-of-way adjoining his property. Mr. Colcock stated that he had applied with the Planning Commission to vacate these rights-of-way. Mr. Colcock further stated that he was informed by the Planning Department that he would be required to furnish a Declaration of Vacation and a land survey in order for the City Council to act upon his request. Mr. Colcock stated that he did not want to go to this expense without knowing if the Council would approve the vacation.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Jordan 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.
William D. Jordan
Hermon T. Graham
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to rezone the Southwest corner of Dudley Avenue and Jones Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential – Business District), sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

Noes: None

Councilmember Graham 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 an Ordinance to rezone 116 South Pine Street from B-2 (General Business District) to B-3 (Central Business District), sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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 H. Barnhart
Andrew Betterton

Noes: None

Councilmember Morris 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 – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 8730, located at 2929 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Graham 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 Morris 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 – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 4208, located at 3308 CLOVERDALE ROAD, FLORENCE, AL 35633, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

Councilmember Morris 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.

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 – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 3663, located at 1115 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. 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.
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 Morris 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 – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 11742, located at 736 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde. 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.
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 Pendleton 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 – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by DOLGENCORP LLC, d/b/a DOLLAR GENERAL 7750, located at 1501 NORTH WOOD AVENUE, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

Councilmember Morris 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 Morris seconded the motion.

Discussion:

Councilmember Pendleton stated that it is the Council's responsibility to regulate alcohol.

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 Package Liquor Store with Off-Premises Liquor, Beer & Wine by C & S PACKAGE STORE, INC., d/b/a DARBY DRIVE PACKAGE STORE, located at 1820 DARBY DRIVE, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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

Noes: None

Board Openings:

(g) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Agri-Business Center	David Beasley	02/03/09	11/15/11
Beautification Board	Linda VanSandt 3 - Vacancies	08/05/08	11/01/11
Housing & Construction Appeals Board	3 - Vacancies		
Library Board	1 - Vacancy		
Parks & Recreation	Mansfield "Pete" Key 1 - Vacancy	12/19/06	10/30/11
SEDA	Martin R. Abroms 1 - Vacancy	12/18/08	09/30/11
Tree Commission	Preston Hillis	02/03/09	11/03/11

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

Mr. Joey Leavitt, 115 Creekside Drive, appeared and made comments regarding the landfill and building a transfer station. Mr. Leavitt stated he does not believe that opening a new cell is the right solution. Mr. Leavitt also stated that it is the City Council's responsibility to protect the citizens of Florence. Mr. Leavitt asked what will happen if the new cell is built and ADEM does not issue a permit for its use. Mr. Leavitt stated that the City should negotiate a deal with Lauderdale County to use their landfill and transfer station.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding the current landfill. Mr. Crowder stated that he was interviewed by a Huntsville Television Station. Mr. Crowder also stated that he and the person doing the interview went to the spring run that is fed by Ram Spring. Mr. Crowder stated that up the stream from the spring run, the water is clear but as you work your way down the stream you will come to the place where material is making its way from the landfill. Mr. Crowder stated that at that point, the water then changes colors dramatically. Mr. Crowder also stated that tests performed on this water showed that industrial solvents were present.

Council Reports and/or Comments:

Councilmember Betterton thanked David Koonce, Solid Waste & Recycle Director, and Dan Barger, Chief Accountant/Treasurer, for information they presented to the City Council at last week's special-called City Council meeting regarding the landfill.

Councilmember Pendleton made comments regarding the Federal Post Office. Councilmember Pendleton stated that he is upset what is happening to the Postal employees. Councilmember Pendleton also stated that he resents people dismantling an organization that has connected the United States.

Councilmember Pendleton made comments regarding social security. Councilmember Pendleton stated that the public is not to blame for medicare waste.

Councilmember Jordan made comments regarding Mr. Miles Colcock's concerns. Councilmember Jordan stated that he would talk to Bill Musgrove, City Attorney, regarding Mr. Colcock's concern with easements.

Councilmember Jordan thanked Mr. Leavitt for his comments regarding the landfill. Councilmember Jordan stated that he hopes the landfill is not leaking into Cypress Creek. Councilmember Jordan also stated that it is time for the City to get out of the garbage business.

Councilmember Graham also thanked Dan Barger and David Koonce for their presentation at last week's special-called City Council meeting. Councilmember Graham stated that the City invested a lot of money in the present landfill and that the commonsense approach is to open a new cell.

Councilmember Graham also stated that in four or five years we can save enough money to build a transfer station.

Councilmember Graham reminded everyone of the District 1 Community meeting on October 27, 2011 at the Broadway Recreation Center.

Councilmember Morris stated that before we make a decision regarding the landfill, we need to investigate the possibility of using an existing transfer station.

Councilmember Morris made comments regarding the US Postal Service. Councilmember Morris stated that technology has replaced a lot of the services provided by the Postal Service.

Councilmember Morris made comments regarding Social Security. Councilmember Morris stated that there is no money in the so-called social security trust fund.

President Barnhart stated that Navi-Star Corporation has purchased the rail car plant. President Barnhart made comments regarding RSA and Dr. Bronner. President Barnhart stated that Dr. Bronner does not need Alabama, but Alabama needs Dr. Bronner.

Councilmember Pendleton presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK