

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
April 7, 2009**

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, April 7, 2009. 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 five Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., William D. Jordan, Barry Morris, James H. Barnhart and Andrew Betterton. Robert M. Leyde, City Clerk, noted that Herman T. Graham was absent.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

April 7, 2009

5:00 P. M.

-
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:
 - (a) Proposed rezoning of the property located at 1914 Veterans Drive from R-2 (Single Family Residential/Small Lots) to R-B (Residential Business) as requested by Thomas and Lisa Childers.
 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 March 24, 2009.
 - (b) Confirm payment of bills by the City Treasurer.
 - (c) Resolution authorizing the City to enter into a contract with Butler Construction Company, L.L.C., to provide labor, equipment, materials and incidentals necessary for the Florence Fire and Rescue Vehicle Maintenance Addition, in the amount of \$100,225.00, to be paid from budgeted funds, sponsored by Chief Cochran.
 - (d) Resolution authorizing the City to submit a Pre-Application Form to the Drinking Water State Revolving Fund Loan Program, sponsored by Mike Doyle.

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- (e) Resolution to approve the Community Development Program budget for fiscal year 2009 as contained in the Action Plan, sponsored by Phil Stevenson.
 - (f) Resolution authorizing the City to enter into a contract with Barnett Plumbing, L.L.C., to provide labor, equipment, materials and incidentals necessary to install two four-inch stubouts at 1502 Florence Boulevard, in the amount of \$3,000.00, to be paid from budgeted funds, sponsored by Bill Batson.
 - (g) Resolution authorizing the City to appropriate an amount not to exceed \$7,500.00 to provide reimbursement for the cost of sign relocation and sidewalk construction around two sides of the existing building located at 1502 Florence Boulevard, to Jorge R. Castell, Sr., and Maria Delores Castell in consideration for the dedication of the required rights-of-way to the city or State of Alabama, sponsored by Mayor Irons and Bill Batson.
 - (h) Resolution authorizing the City to enter into a contract with Irons Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary to perform electrical work in the kitchen area of the Kennedy-Douglass Art Center, in the amount of \$1,630.00, to be paid from budgeted funds, sponsored by Todd Nix.
 - (i) Resolution authorizing the City to enter into a contract with ACRT, Inc., to provide tree trimming training for the Florence Utilities Electricity Department, in the amount of \$5,795.00 plus airfare, to be paid from budgeted funds, sponsored by Richard Morrissey.
 - (j) Resolution authorizing the City to approve a no-match grant award in the amount of \$4,500.00 from the Alabama State Council on the Arts for funds to assist in the production of a W. C. Handy Documentary film, sponsored by Todd Nix.
 - (k) Resolution to approve the agreement with TVA to reimburse the City for certain expenses incurred in having a Statement on Auditing Standards No. 70 (SAS 70) Type II prepared, sponsored by Richard Morrissey and Vance Young.
 - (l) Resolution authorizing the City to enter into a contract with Paone Technologies, to upgrade the Domino Server from 6.5.0 to 6.5.6 and upgrade both iSeries servers from V5R3 to V5R4, in the amount of \$2,500.00, to be paid from budgeted funds, sponsored by Steve Price.
 - (m) Resolution to appropriate funds to the Kennedy-Douglass Volunteers, Inc., to conduct the Arts Alive Festival to be held in Wilson Park in May 2009, in the amount of \$1,500.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
 - (n) Resolution to reappoint Betty M. Robertson to the Riverbend Center for Mental Health - Board of Directors, sponsored by the City Council.
 - (o) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.
12. Regular Agenda:
- (a) Resolution approving an application to incorporate a public corporation under the provisions of Chapter 99B of Title 11 of the CODE OF ALABAMA 1975, as amended, to be known as The Northwest Alabama Cooperative District, and to appoint Bobby Irons as a director for a term of office beginning of the date of incorporation of said District and ending at 12:01 a.m. four years from the date of such incorporation, sponsored by Mayor Irons. **(This resolution did not received immediate consideration, therefore it will be carried over until the next City Council meeting.)**
 - (b) Ordinance to lease space on top of the Florence-Lauderdale Government Building

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to WAAY TV31 to locate a camera for the rental amount of \$1,000.00 per year commencing on April 1, 2009, and ending on March 31, 2012, sponsored by Dan Barger.

- (c) Ordinance to amend the Code of Florence, Alabama, as amended, and particularly appendix C of said code and the official zoning map, sponsored by Melissa Bailey.
- (d) Resolution to declare 117 West Lee Street a public nuisance pursuant to the provisions of Article 2 of Chapter 40 of Title 11 of the Code of Alabama 1975, as amended, sponsored by Gary Williamson.
- (e) Resolution to approve a special assessment against and a lien on the parcel of land located at 510 Sweetwater Avenue in the amount of \$4,125.22 for the cost of demolition and abatement of the public nuisance, sponsored by Gary Williamson.
- (f) Resolution to approve a special assessment against and a lien on the parcel of land located at 527 East Tuscaloosa Street in the amount of \$5,390.00 for the cost of demolition and abatement of the public nuisance, sponsored by Gary Williamson.
- (g) Resolution to approve a special assessment against and a lien on the parcel of land located at 421 West Irvine Street in the amount of \$3,769.32 for the cost of demolition and abatement of the public nuisance, sponsored by Gary Williamson.

13. General Business:

Resolution to revise and amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2008-2009 Budget, sponsored by Mayor Irons and Dan Barger. **(This resolution was removed from the agenda by the sponsors)**

Resolution approving the FY 2009 Utilities Budget Amendment No. 2 reflecting salary adjustments for Electricity, Gas and Water Departments sponsored by Mike Doyle, Richard Morrissey, and Vance Young.

Board Openings within the next 90 days or less:

Board

Member
Appointed
Expired

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

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

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

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the agenda. Councilmember Morris

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moved for approval of the agenda. Councilmember Betterton seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

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

Noes: None

Message from the Mayor:

Mayor Irons presented a Proclamation designating the month of April, 2009 as Fair Housing Month. The Proclamation was received by Phillip Stevenson, Purchasing and Public Grants Administrator.

Mayor Irons presented a Proclamation designating the month of April, 2009 as Child Abuse Prevention Month. The Proclamation was received by Ms. Teresa Robertson, Director of the Colbert-Lauderdale Attention Homes.

Mayor Irons made comments concerning the grand opening of the Sportsplex. Mayor Irons noted there are over 500 children participating in the sports programs at the Sportsplex.

Mayor Irons announced that Saturday, April 18th from 8:00a.m. until 12:00 noon is the Citywide Clean-Up Day. Mayor Irons stated that if anyone need help cleaning up your property, moving clutter to the street, or would like to volunteer, please call 760-6495.

Mayor Irons announced that nominations are being accepted from the public during the month of April for the Walk of Honor. Mayor Irons stated that nominations are for any individual who has lived in the City of Florence and has brought national and international recognition to our City. Mayor Irons noted that the Walk of Honor plaques are placed at the River Heritage Park.

Mayor Irons made comments concerning the economic conditions of our City. Mayor Irons stated that City Officials are tracking these conditions and are working to keep the citizens of Florence informed. Mayor Irons noted that in the first five months of the fiscal year, sales tax revenue was down 2 ½ percent but this decrease was off-set by a reduction in expenses. Mayor Irons encouraged citizens to shop in Florence. Mayor Irons stated that this is important not only to increase our sales tax revenues, but to help our local businesses.

Reports of Department Heads:

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Todd Nix, Community Services Director, appeared and made comments concerning the grand opening of the Sportsplex. Mr. Nix thanked all of the volunteers and maintenance staff for their hard work. Mr. Nix stated that there are 24 new teams in our athletic program. Mr. Nix asked, that if anyone has photographs from the grand opening to please send copies to the Parks & Recreation Department.

Reports of Standing Committees:

Due to the absence of Councilmember Graham, Chairperson of the Utilities Committee, Robert M. Leyde, City Clerk, read the minutes of the Utilities Committee meeting. Said minutes follow, to wit:

Public Hearings:

President Barnhart noted that this was the time and date, as advertised, for a public hearing regarding the proposed rezoning of the property located at 1914 Veterans Drive from R-2 (Single Family Residential/Small Lots to R-B (Residential Business) as requested by Thomas and Lisa Childers.

Robert Muse, Assistant Planning Director, appeared and made comments concerning the proposed rezoning. Mr. Muse stated that this property is located on Veterans Drive across from the new Home Builders Association Office. Mr. Muse also stated that the Florence Planning Commission unanimously voted to recommend this rezoning.

Sadie Russell appeared and made comments concerning this proposed rezoning. Ms. Russell stated that her concern is that a residential business may promote itself as a commercial business.

Mr. Muse stated that a residential business zone means that it is possible for a light commercial business usage. Mr. Muse stated that in the case of this rezoning, Ms. Childers' property has only a 9,000 square feet lot. Mr. Muse also stated that any use of the property other than residential must have a 10,000 square feet lot. Mr. Muse stated that this property can be used as a two unit apartment. Mr. Muse also stated that if Ms. Childers would like for this property to be use as commercial property, she would have to meet with the Board of Zoning Adjustments and request a variance.

Councilmember Jordan asked Mr. Muse to give examples of light commercial business. Mr. Muse stated that examples are: book store, antique store, doctor's office and clothing store.

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There being no further comments or questions, the Public Hearing was closed.

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 Jordan moved for approval of (a) Approval of minutes of the Regular Meeting on March 24, 2009 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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

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

Noes: None

Regular Agenda:

City Clerk, Robert M. Leyde, presented a Resolution approving an application to incorporate a public corporation under the provisions of Chapter 99B of Title 11 of the CODE OF ALABAMA 1975, as amended, to be known as The Northwest Alabama Cooperative District, and to appoint Bobby Irons as a director for a term of office beginning of the date of incorporation of said District and ending at 12:01 a.m. four years from the date of such incorporation, sponsored by Mayor Irons. Said resolution follows, to wit:

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Councilmember Betterton 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
James H Barnhart
Andrew Betterton

Noes: Barry Morris

**This resolution did not receive unanimous consent for immediate consideration ,
therefore it will be carried over until the next City Council meeting.**

City Clerk, Robert M. Leyde, presented an Ordinance to lease space on top of the Florence-Lauderdale Government Building to WAAY TV31 to locate a camera for the rental amount of \$1,000.00 per year commencing on April 1, 2009, and ending on March 31, 2012, sponsored by Dan Barger. Said ordinance follows, to wit:

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Councilmember Jordan moved for immediate consideration of the foregoing ordinance.

Council member Morris seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to amend the Code of Florence, Alabama, as amended, and particularly appendix C of said code and the official zoning map, sponsored by Melissa Bailey. Said ordinance follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

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

Discussion:

Councilmember Morris confirmed with President Barnhart that this ordinance is the rezoning of the property that was previously discussed during tonight's Public Hearing.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a resolution to declare 117 West Lee Street a public nuisance pursuant to the provisions of Article 2 of Chapter 40 of Title 11 of the Code of Alabama 1975, as amended, sponsored by Gary Williamson. Said resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Council member Morris seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution. Council member Betterton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a resolution to approve a special assessment against and a lien on the parcel of land located at 510 Sweetwater Avenue in the amount of \$4,125.22 for the cost of demolition and abatement of the public nuisance, sponsored by Gary Williamson. Said resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Council member Morris seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

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

Councilmember Jordan confirmed with Gary Williamson, Building Official, that all the properties on tonight's agenda had been demolished and the liens are being placed on the properties to recover the City's clean up cost.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a resolution to approve a special assessment against and a lien on the parcel of land located at 527 East Tuscaloosa Street in the amount of \$5,390.00 for the cost of demolition and abatement of the public nuisance, sponsored by Gary Williamson. Said resolution follows, to wit:

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Councilmember Jordan moved for immediate consideration of the foregoing resolution.

Council member Betterton seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution. Council member Betterton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a resolution to approve a special assessment against and a lien on the parcel of land located at 421 West Irvine Street in the amount of \$3,769.32 for the cost of demolition and abatement of the public nuisance, sponsored by Gary Williamson. Said resolution follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

Council member Betterton seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a resolution approving the FY 2009 Utilities Budget Amendment No. 2 reflecting salary adjustments for Electricity, Gas and Water Departments sponsored by Mike Doyle, Richard Morrissey, and Vance Young. Said resolution follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

Discussion:

Councilmember Pendleton made comments in favor of the resolution. Councilmember Pendleton commended the administration for continuing to adjust and upgrade the salary schedules.

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

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

Noes: None

Board Openings: None

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

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in reference to Circuit Judge Jones and Florence School Superintendent Kendy Behrends.

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Council Reports and/or Comments:

Councilmember Betterton made comments in reference to the clean-up day on Saturday, April 18th. Councilmember Betterton encouraged everyone to clean up our City.

Councilmember Betterton complimented Mayor Irons and others who co-ordinated the dedication ceremonies for the Sportsplex. Councilmember Betterton made general comments concerning the Sportsplex.

Councilmember Pendleton complimented President Barnhart for his induction into the Alabama Labor Hall of Fame in 2003.

Councilmember Pendleton made positive comments regarding the Sportsplex. Councilmember Pendleton stated commended Mayor Irons, City Council and the citizens of Florence for their support of the Sportsplex. Councilmember Pendleton made comments in reference to Mayor Irons throwing the first pitch at the Sportsplex.

Councilmember Jordan commended the previous administration for their foresight to continue the Sportsplex project.

Councilmember Morris commended Mayor Irons for implementing a reduction in expenditures to off-set the reduction in revenues. Councilmember Morris echoed Councilmember Pendleton's remarks concerning Florence being a great city to live in.

President Barnhard had no comments.

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Councilmember Pendleton made a motion to adjourn the meeting. Councilmember Betterton seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

Councilmember Jordan presented the closing prayer.
There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK