

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
February 16, 2010**

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, February 16, 2010. President Barnhart called the meeting to order. City Councilmember Betterton gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that all 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 H. Barnhart and Andrew Betterton.

**AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**February 16, 2010**

**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:
    - (a) Public Hearing to rezone approximately 10.35 acres located on County Road 47 to be rezoned from R-1 (Single-Family Residential District) to R-B (Residential-Business District as requested by Southern Properties, Inc.
  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 February 2, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with G & G, Inc., to provide labor, equipment, materials and incidentals necessary to remove underbrush, trees and top some trees in the Red Bud Street, West Mobile Street, Kinnard Street and Perry Street areas of West Florence in the amount of \$18,470.00, to be paid from budgeted funds, sponsored by Sam Pendleton.

- (d) Resolution authorizing the City to enter into a contract with Mark D. Smith to perform eleven (11) required bridge inspections to comply with Federal Code and with FHWA Guidelines to be submitted to the Alabama Department of Transportation, in the amount of \$7,000.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (e) Resolution authorizing the City to enter into a performance based contract with TRANE Comfort Solutions, Inc., to provide labor, materials and incidentals necessary to retrofit lighting and to upgrade heating, ventilating and air conditioning controls for the Florence-Lauderdale Government Building in the amount of \$382,910.00, one-half of this amount (\$191,460.00) to be paid by Lauderdale County and one-half (\$191,460.00) from budgeted City Funds, sponsored by Dan Barger.
- (f) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to repeal all prior fee schedules for the Cox Creek Park Tennis Courts that were adopted or approved by the City and to approve the attached Schedule of Fees, Damage Deposits and Penalties, sponsored by Todd Nix.
- (b) Ordinance rezoning approximately 10.35 acres located at County Road 47, Florence, Alabama from R-1 (Single-Family Residential) to R-B (Residential-Business) as requested by Southern Properties, LLC, sponsored by Melissa Bailey.
- (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

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

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

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

16. Motion to Adjourn.

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

**Message from the Mayor:**

Mayor Irons presented a Proclamation to Mr. Preston Hillis, Chairman of the Florence Tree Commission and Mr. Paul Graham, City Urban Forester and Horticulturist designating the week of February 22<sup>nd</sup> - 28<sup>th</sup>, 2010 as National Arbor Week in the City of Florence.

Mayor Irons announced that the 2<sup>nd</sup> Annual Citywide Clean-Up Day will be held on April 10<sup>th</sup>. Mayor Irons noted that we are asking groups, businesses, and individuals to volunteer to help collect litter from our City streets. Mayor Irons also noted that last year, 247 volunteers collected over 7,000 lbs of litter.

Mayor Iron made comments regarding the City's outstanding Recycling Program. Mayor Irons stated that Florence is the only city in the Shoals area that offers curbside recycling and have been doing so for over 20 years. Mayor Irons also stated that in 2009, the City of Florence recycled 8,376 tons of materials thus preventing these materials from going into the City's landfill. Mayor Irons stated that currently the City estimates that 35% of our residents and businesses participate in the Recycling program. Mayor Irons also stated that he is setting a goal for the City of Florence to double that rate which could double the remaining life of our current landfill.

Mayor Irons made comments as follow, to wit:

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**Reports of Department Heads:**

Todd Nix, Community Service Director, announced that sign-ups are underway for soccer, softball, t-ball and baseball.

**Reports of Standing Committees:**

Councilmember Betterton, Chairperson of Parks & Recreation Committee, gave a report on their meeting that was held on February 4<sup>th</sup>, 2010. Said comments follows, 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 approximately 10.35 acres located on County Road 47. To be rezoned from R-1 (Single-Family Residential District) to R-B (Residential-Business District) as requested by Southern Properties, Inc.

Melissa Bailey, Planning Director, made comments regarding access onto County Road 47. Ms. Bailey stated that according to Plat notations, no direct access shall be allowed to public rights of way upon redevelopment for any parcel other than at approved locations. Ms. Bailey also stated that these restrictions will not change even if the property is sold. Ms. Bailey noted that there is a 25 foot easement on this property.

Councilmember Pendleton made comments in opposition to the proposed rezoning. Councilmember Pendleton stated traffic is a major problem and that the City has an obligation to keep the citizens safe. Councilmember Pendleton also stated that a traffic light is needed to enter and exist Blackberry Trail. Councilmember Pendleton stated that this will be a new development, but at what cost.

Ms. Bailey stated that this is always an issue when a county road bi-sects with properties in the city limits. Ms. Bailey also stated that Lauderdale County has control of County Road 47 and the City has control of the zoning. Ms. Bailey stated that R-B is a compatible use for this area.

President Barnhart asked for comments from the public.

Ms. Elana Marks, 3047 Mars Hill Road, appeared and made comments in opposition to the proposed rezoning. Ms. Marks stated that her main concern regarding the rezoning is safety for the neighborhood.

Mr. Mark Marks, 3047 Mars Hill Road, appeared and made comments in opposition to the proposed rezoning. Mr. Marks stated that the issue is safety. Mr. Marks also stated that an R-B zone will not be safe. Mr. Marks stated that the Developer should ask questions in the community.

Mr. Jeff Walton, 3071 Mars Hill Road, appeared and made comments in opposition to the proposed rezoning. Mr. Walton stated that the businesses allowed in a R-B zone are not suitable for our neighborhood. Mr. Walton also stated that the Planning Commission is not as sensitive as it needs to be.

Mr. Bert Jones, 3051 Mars Hill Road, appeared and made comments in opposition to the proposed rezoning. Mr. Jones ask the City Council to vote no on the proposed rezoning.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in support of the proposed rezoning. Mr. Simpson stated that the citizens need to be more open-minded.

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

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments in support of Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan. Mr. Cope stated that if there are mistakes in the preliminary report, then corrections need to be made now. Mr. Cope also stated that the most efficient way to get information to the public is an open exchange with LAI Engineering.

Ms. Hester Cope, 1750 Eunice Avenue, appeared and made comments regarding the value of property that is located near a landfill. Ms. Cope noted that the LAI report stated that it did not anticipate property values to be affected with an expansion. Ms. Cope stated that statements regarding property values can only be made by a certified property appraiser and that LAI is not qualified to make such statements.

Mr. Josh Johnston, 130 North Leland Drive, appeared and encouraged the City to work with developers, and residents regarding City business. Mr. Johnston stated that the City has to expand.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding the preliminary report produced by LAI Engineering. Mr. Crowder stated that he would forward questions directly to LAI Engineering.

Mr. Charles Rose, 1206 North Montgomery Avenue, Sheffield, Alabama and President of Shoals Environmental Alliance, made comments in support of Regular Agenda Item 12 (c) Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Mr. Adam Wood, 1702 Eunice Avenue, appeared and made comments in support of Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of

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the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Mr. Scott Ruffrage, 1720 Eunice Avenue, appeared and made comments in support of Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Ms. Susan Ruffrage, 1720 Eunice Avenue, appeared and made comments in support of Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Ms. Helen Allmon, Royal Avenue, appeared and made comments in support of Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Mr. Tim Collins, 109 Cypress Bend Place, Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

Mr. Rick Curtis, Cypress Bend Place, appeared and made comments in opposition to Regular Agenda Item 12 (c) Resolution requesting the Mayor to have a representative of LAI

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Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan.

**Consent Agenda:**

President Barnhart asked for a motion for approval of the Consent Agenda items.  
Councilmember Graham moved for approval of (a) Approval of minutes of the Regular Meeting on February 2, 2010 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 Betterton 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 an Ordinance to repeal all prior fee schedules for the Cox Creek Park Tennis Courts that were adopted or approved by the City and to approve the attached Schedule of Fees, Damage Deposits and Penalties, sponsored by Todd Nix. Said Ordinance follows, to wit:

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance rezoning approximately 10.35 acres located at County Road 47, Florence, Alabama from R-1 (Single-Family Residential) to R-B (Residential-Business) as requested by Southern Properties, LLC, sponsored by Melissa Bailey. Said Ordinance follow, to wit:

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Councilmember Betterton 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 Betterton moved for adoption of the foregoing ordinance.

Councilmember Barnhart seconded the motion.

**Discussion:**

Councilmember Jordan asked if safety concerns were addressed at the Planning Commission meeting. Councilmember Betterton stated that safety concerns were addressed.

Councilmember Pendleton stated that he thinks that this ordinance died for a lack of a second because too much time lapsed between the motion and the second.

President Barnhart stated that the President of the City Council can second a motion.

Councilmember Betterton made comments as a member of the Planning Commission in favor of the proposed rezoning. Councilmember Betterton stated that members of the Planning Commission are professionals and this rezoning was based on City guidelines.

Councilmember Pendleton stated that he would not vote to increase traffic on County Road 47. Councilmember Pendleton also stated that the City Council is the controlling factor regardless of the Planning Commission's recommendations.

Councilmember Morris made comments in favor of the proposed rezoning. Councilmember Morris stated that once the previous owner made the decision to sell the property, then compromises must be made by the neighborhood. Councilmember Morris also stated that experts (Planning Commission) recommended the rezoning and he is going to support this ordinance.

Councilmember Betterton stated that this rezoning is the best way to protect the citizens living in this area.

Councilmember Pendleton stated that if the City does not have control of County Road 47, then we should not put anymore businesses out there. Councilmember Pendleton also stated that the Florence Planning Commission should have denied this rezoning.

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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 requesting the Mayor to have a representative of LAI Engineering present at a meeting with members of the City Council and the general public to be held at a mutually agreeable time to discuss the findings, conclusions, and the recommendations of the Preliminary Engineering Report of Property Evaluation, Proposed Landfill Expansion, City of Florence, Lauderdale County, Alabama, sponsored by Dick Jordan. Said Resolution follows, to wit:

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

Noes: None

Councilmember Betterton moved for adoption of the foregoing resolution.

Councilmember Jordan seconded the motion.

**Discussion:**

Councilmember Jordan made comments in support of the resolution. Councilmember Jordan stated that we need an open discussion with LAI Engineering to explain if a landfill will be detrimental to the neighborhood.

Councilmember Morris made comments in support of the resolution. Councilmember Morris stated that a new landfill is many years away, but we need answers to questions regarding the expansion now. Councilmember Morris also stated that the LAI Engineering needs to justify the preliminary report and we should not wait to know if the property can be used for an expansion.

Councilmember Graham made comments in opposition to the resolution. Councilmember Graham stated that we have distributed the preliminary report and that the decision to purchase the Florence Golf & Country Club property has been made. Councilmember Graham stated that it is not LAI Engineering's decision on whether or not we should purchase the property.

President Barnhart made comments in opposition to the resolution. President Barnhart stated that the approval of the resolution would set a precedent to question all decisions made by the City Council.

Councilmember Jordan noted that the report states proposed landfill expansion not purchase of the Florence Golf & Country Club property.

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

Ayes: William D. Jordan  
Barry Morris  
Andrew Betterton

Noes: Sam Pendleton, Jr.  
Hermon T. Graham  
James H Barnhart

**MOTION FAILS 3-3**

**Board Openings:** None

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

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments regarding the failure of Councilmember Jordan's resolution to allow a public meeting with LAI Engineering. Mr. Cope stated that he was very disappointed that the resolution was not approved.

Ms. Hester Cope, 1750 Eunice Avenue, appeared and made comments regarding the failure of Councilmember Jordan's resolution to allow a public meeting with LAI Engineering. Ms. Cope stated that he was very disappointed that the resolution was not approved.

Mr. Josh Johnson, 139 North Leland Drive, appeared and stated that he wants LAI Engineering to stand behind their work.

Mr. Mark Marks, 3047 Mars Hill Road, appeared and stated his disappointment over the approval to rezone County Road 47.

Mr. John Crowder, 421 Nottingham Road, appeared and stated that he is a member of the Shoals Environmental Alliance Group. Mr. Crowder also warned against "false confidence".

Mr. Charles Rose, 1206 North Montgomery Avenue, Sheffield, Alabama and President of Shoals Environmental Alliance appeared and referred to a booklet entitled "Decision Maker's Guide to Solid Waste Solutions".

Mr. Jeff Walton, Mars Hill Road, made comments in opposition to the approving of the rezoning of County Road 47. Mr. Walton stated that he was disappointed in his District 6 Representative. Mr. Walton also stated that this vote re-affirms that people's voices and concerns do not matter.

Mr. Scott Ruffrage, 1720 Eunice Avenue, appeared and stated that tonight's decision not to allow a public forum with LAI Engineering Group was a "travesty".

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Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made general comments.

Mr. Ricky Curtis, Cypress Bend Place, appeared and thanked Councilmember Jordan, Councilmember Morris and Councilmember Betterton for their support of the resolution to allow a public meeting with LAI Engineering.

Mr. Curtis commended the City of Florence for its recycling program and encouraged citizens to do more composting.

**Council Reports and/or Comments:**

Councilmember Pendleton stated that wrong decisions can be decided at the ballot box.

Councilmember Pendleton stated that the decision regarding the landfill will ultimately come down to economics and money.

Councilmember Pendleton made comments regarding the joint appointment to the Florence/Lauderdale Tourism Board. Councilmember Pendleton stated that we should bury the hatchet and move on with the appointment.

Councilmember Jordan stated that he was disappointed in the City Council for not approving his resolution to allow a public meeting with LAI Engineering.

Councilmember Graham stated that he agrees with Councilmember Pendleton's remarks regarding the ballot box. Councilmember Graham also stated that he votes with his heart and does what he thinks is right.

Councilmember Graham made comments regarding the LAI Engineering report. Councilmember Graham stated that there are a lot of reports yet to come and stated that the public would be involved.

Councilmember Graham stated that recycling in the City of Florence has come along way. Councilmember Graham also stated that he took issue with today's TimesDaily's Editorial regarding recycling in the City of Florence.

Councilmember Graham made remarks opposing the movement to change the name of Weeden Elementary School to Singing River Elementary School.

Councilmember Morris stated that he was disappointed in the Council's decision not to allow a public meeting with LAI Engineering. Councilmember Morris stated that openness and transparency is needed for effective government.

Councilmember Betterton made comments regarding the rezoning on County Road 47. Councilmember Betterton stated that he has only one vote on the City Council and the Florence Planning Commission. Councilmember Betterton also stated that he makes decisions thoughtfully, respectfully and prayerfully.

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President Barnhart had no comments.

Councilmember Betterton made a motion to adjourn the meeting. 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 Pendleton presented the closing prayer.  
There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK