

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
NOVEMBER 15, 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, November 15, 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.

**AMENDED AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**November 15, 2011**

**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) Rezoning of the Southwest corner of Cloyd Blvd and Mall Road from R-1 (Large Lot Residential District) to R-B (Residential Business District) as requested by Chris Perkins.
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 November 1, 2011.
  - (b) Confirm payment of bills by the City Treasurer.
  - (c) Resolution to approve a contract with the Boys and Girls Club of Northwest Alabama, in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.

- (d) Resolution to approve a contract with Burrell Normal - Burrell High - Burrell Slater School Alumni Association to provide for the delivery of meals for homebound elderly, sick persons and handicapped in West Florence; encourage at-risk students to stay in school and dropouts to return to school or complete GED and encourage citizens to cooperate with law enforcement in crime prevention and gang suppression, in the amount of \$10,000.00, to be paid from budgeted funds sponsored by Mayor Bobby Irons and the City Council.
- (e) Resolution to approve a contract with the Colbert-Lauderdale Attention Homes, Inc., in the amount of \$15,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (f) Resolution to approve a contract with the Court Appointed Special Advocates for Children of Florence/Lauderdale County (CASA), in the amount of \$3,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (g) Resolution to approve a contract with the Community Action Agency of Northwest Alabama, Inc., in the amount of \$6,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (h) Resolution to approve a contract with the Community Action Agency of Northwest Alabama, Inc. - Meals on Wheels, in the amount of \$7,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (i) Resolution to approve a contract with the Foster Grandparents Program, in the amount of \$4,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (j) Resolution to approve a contract with the ARC of the Shoals, Inc., in the amount of \$11,200.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (k) Resolution to approve a contract with Hospice of the Shoals, in the amount of \$3,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (l) Resolution to approve a contract with Mainstream Development Corporation, Inc., in the amount of \$5,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (m) Resolution to approve a contract with Maud Lindsey Kindergarten, Inc., in the amount of \$12,825.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (n) Resolution to approve a contract with the Muscle Shoals Area Interdenominational Ministerial Alliance of Alabama, in the amount of \$4,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (o) Resolution to approve a contract with the Music Preservation Society, Inc., in the amount of \$15,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (p) Resolution to approve a contract with the Cramer Children's Center, Inc., in the amount of \$5,000.00 to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (q) Resolution to approve a contract with the Northwest Alabama Community Health Association, in the amount of \$5,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (r) Resolution to approve a contract with Rape Response, Inc., in the amount of \$2,500.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (s) Resolution to approve a contract with Safeplace, Inc., in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (t) Resolution to approve a contract with the Salvation Army, in the amount of \$4,800.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.

- (u) Resolution to approve a contract with the Shoals Area Committee on Employment of People With Disabilities, Inc., in the amount of \$2,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (v) Resolution to approve a contract with the Shoals National Championship Committee, Inc., in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (w) Resolution to approve a contract with Florence Main Street, Inc., in the amount of \$50,000.00, to be paid from budgeted funds in monthly installments, sponsored by Mayor Irons and the City Council.
- (x) Resolution to approve a contract with Children's Museum of the Shoals, Inc., in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (y) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.
- (z) Resolution to reappoint David Beasley to the Agri-Business Center.
- (aa) Resolution to reappoint Linda Van Sandt to the Beautification Board.
- (bb) Resolution to appoint Dihanne Westfield to the Florence-Lauderdale Public Library Board.
- (cc) Resolution to appoint Bud Ward to the Shoals Economic Development Authority. **(Moved to Regular Agenda Item 12 (c))**
- (dd) Resolution to reappoint Preston Hillis to the Tree Commission.
- (ee) 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 improvements to the Cypress Creek Water Treatment Plant, in the amount of \$5,263,705.00, to be paid from the 2011 Water & Sewer Revenue Bond construction funds, sponsored by Mike Doyle. **(Moved to Regular Agenda Item 12 (d))**
- (ff) Resolution authorizing the City to enter into a contract with Parallax Building Systems, Inc., to provide labor, equipment, materials and incidentals necessary for construction of new dispatch facilities for the Florence Electricity Department, in the amount of \$698,572.00, to be paid from FY 2012 Budget – Account 390.00 Structures and Improvements, sponsored by Richard Morrissey. **(Moved to Regular Agenda 12 (e))**
- (gg) Resolution to appropriate an amount not to exceed \$15,536.99 from the City's Liability Insurance Fund to settle the claim filed against the City by Richard and Belva Gillispie.

12. Regular Agenda:

- (a) Ordinance to rezone the Southwest corner of Cloyd Blvd and Mall Road from R-1 (Large Lot Residential District) to R-B (Residential Business District), sponsored by Melissa Bailey.
- (b) Ordinance to declare Lot 15, Block 693 as surplus property and authorizing the sale and conveyance of the property for the sum of \$4,000.00, sponsored by Bill Musgrove.
- (c) Resolution to appoint Bud Ward to the Shoals Economic Development Authority. **(Moved from Consent Agenda Item 11 (cc))**
- (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 improvements to the Cypress Creek Water Treatment Plant, in the amount of \$5,263,705.00, to be paid from the 2011 Water & Sewer Revenue Bond construction funds, sponsored by Mike Doyle. **(Moved from Consent Agenda Item 11(ee))**

- (e) Resolution authorizing the City to enter into a contract with Parallax Building Systems, Inc., to provide labor, equipment, materials and incidentals necessary for construction of new dispatch facilities for the Florence Electricity Department, in the amount of \$698,572.00, to be paid from FY 2012 Budget – Account 390.00 Structures and Improvements, sponsored by Richard Morrissey. **(Moved from Consent Agenda Item 11 (ff))**

13. General Business:

- (a) Resolution – Special Events Alcohol Beverage License Application by TRULY CIGARS OF ALABAMA INC., d/b/a TRULY CIGARS, located at 366C COX CREEK PARKWAY, FLORENCE, AL 35630, to serve alcohol in their parking lot in conjunction with the Iron Bowl game on Saturday, November 26, 2011, sponsored by Robert M. Leyde.
- (b) Resolution to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2011-2012 Budget to appropriate \$80,500.00 from unrestricted Net Assets for the East Lakeside Capital Drainage Project, sponsored by Dan Barger and Hermon Graham.

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	2 - Vacancies		
Historical Board	Vince Brewton 3 - Vacancies	03/22/11	12/17/11
Housing & Construction Appeals Board	3 - Vacancies		
Tree Commission	1 - Vacancy		

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work-session, it was decided to move Consent Agenda Item 11 (cc) Resolution to appoint Bud Ward to the Shoals Economic Development Authority to Regular Agenda Item 12 (c), Consent Agenda Item 11 (ee) 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 improvements to the Cypress Creek Water Treatment Plant, in the amount of \$5,263,705.00, to be paid from the 2011 Water & Sewer Revenue Bond construction funds to Regular Agenda Item 12 (d) and Consent Agenda Item 11 (ff) Resolution authorizing the City to enter into a

contract with Parallax Building Systems, Inc., to provide labor, equipment, materials and incidentals necessary for construction of new dispatch facilities for the Florence Electricity Department, in the amount of \$698,572.00, to be paid from FY 2012 Budget – Account 390.00 Structures and Improvements to Regular Agenda Item 12 (e).

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' comments follow, to wit:

**Report of Department Heads: None**

**Report of Standing Committee: None**

**Public Hearing:**

President Barnhart noted that this is the date and time for a Public Hearing regarding the rezoning of the SW corner of Cloyd Blvd and Mall Road from R-1 (Large Lot Residential) to R-B (Residential-Business District) as requested by Chris Perkins.

Melissa Bailey, Planning Director, stated that the Florence Planning Commission unanimously recommends this zoning change.

There being no further comments, President Barnhart stated that the Public Hearing was now closed.

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

Mr. John Hargett, North Wood Avenue, appeared and made comments regarding Consent Agenda Items 11 (c) through 11 (x) appropriations. Mr. Hargett stated that each of these entities are good organizations. Mr. Hargett further stated that when government gives money to charities it is saying that the citizens are not smart enough to give or do not care to give.

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments in support of Consent Agenda Item 11 (c) through 11 (x) appropriations. Mr. Simpson stated that good government works for the people. Mr. Simpson further stated these organizations are accountable but good government needs to keep a check on all entities that receive money. Mr. Simpson stated that we need to get to know the people who run these organizations.

**Consent Agenda:**

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Betterton moved for approval of the ordinances and resolutions as follow, to-wit:

Councilmember 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

Councilmember Pendleton made comments regarding public money. Councilmember Pendleton stated that government can enter into contracts with individuals to do work that they cannot perform.

City Clerk, Robert M. Leyde presented an Ordinance to rezone the Southwest corner of Cloyd Blvd and Mall Road from R-1 (Large Lot Residential District) 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 Jordan seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to declare Lot 15, Block 693 as surplus property and authorizing the sale and conveyance of the property for the sum of \$4,000.00, sponsored by Bill Musgrove. Said Ordinance follows, to wit:



Councilmember Jordan 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 Pendleton moved for adoption of the foregoing ordinance. 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 a Resolution to appoint Bud Ward to the Shoals Economic Development Authority. Said Resolution follows, to wit:

Councilmember Morris stated that he had received a text message from Mr. Ward stating that he wanted to redraw his application for the Shoals Economic Development Authority.

Councilmember Betterton made a motion to remove Mr. Ward's nomination to the Shoals Economic Development Authority. 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  
Hermon T. Graham  
Barry Morris  
James H. Barnhart  
Andrew Betterton

Noes: None

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 improvements to the Cypress Creek Water Treatment Plant, in the amount of \$5,263,705.00, to be paid from the 2011 Water & Sewer Revenue Bond construction funds, sponsored by Mike Doyle. Said Resolution follows, to wit:

Councilmember Pendleton 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 ordinance. 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 a Resolution authorizing the City to enter into a contract with Parallax Building Systems, Inc., to provide labor, equipment, materials and incidentals necessary for construction of new dispatch facilities for the Florence Electricity Department, in the amount of \$698,572.00, to be paid from FY 2012 Budget – Account 390.00 Structures and Improvements, sponsored by Richard Morrissey. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

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

**Discussion:**

Councilmember Jordan made comments in favor of the proposed resolution. Councilmember Jordan thanked Richard Morrissey, Electricity Department Manager, for his hard work.

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton stated that the Electricity Department is always consistent.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution – Special Events Alcohol Beverage License Application by TRULY CIGARS OF ALABAMA INC., d/b/a TRULY CIGARS, located at 366C COX CREEK PARKWAY, FLORENCE, AL 35630, to serve alcohol in their parking lot in conjunction with the Iron Bowl game on Saturday, November 26, 2011, 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.  
William D. Jordan  
Hermon T. Graham  
Barry Morris  
James H. Barnhart  
Andrew Betterton

Noes: None

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

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 to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2011-2012 Budget to appropriate \$80,500.00 from unrestricted Net Assets for the East Lakeside Capital Drainage Project, sponsored by Dan Barger and Hermon Graham. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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 Pendleton seconded the motion.

**Discussion:**

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton stated that this project is way overdue. Councilmember Pendleton further stated that the Engineering Department says that this must be done.

Councilmember Graham made comments in favor of the proposed resolution. Councilmember Graham stated that this project will be protecting citizens' property that is currently being destroyed by flooding.

Councilmember Pendleton stated that we need to stay consistent with our drainage projects even if it means borrowing money.

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

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

Noes: None

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	2 - Vacancies		
Historical Board	Vince Brewton 3 - Vacancies	03/22/11	12/17/11
Housing & Construction Appeals Board	3 - Vacancies		
Tree Commission	1 - Vacancy		

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding the sale of alcohol. Mr. Simpson stated that government can now control what ingredients are used in alcohol. Mr. Simpson also made comments in support of legalizing marijuana. Mr. Simpson noted that for some people, the use of marijuana and alcohol is to make them feel better. Mr. Simpson further stated the government needs to evaluate whether making marijuana illegal is helping or hurting people. Mr. Simpson stated that maybe the government should legalize and control marijuana as they do alcohol.

**Council Reports and/or Comments:**

Councilmember Graham thanked everyone for their attendance tonight and also those watching by television.

Councilmember Morris thanked Mr. Hargett for his comments regarding the appropriations that were on tonight's agenda. Councilmember Morris also thanked Councilmember Pendleton for his comments regarding the appropriations on tonight's agenda.

Councilmember Morris made comments regarding a report made by Billy Koch concerning opening a new cell at the landfill. Councilmember Morris stated that it does not seem to be the best use of taxpayers' money by spending two million dollars to open a new cell that may not be permitted.

Councilmember Betterton made comments regarding the recent Veterans' Day events. Councilmember Betterton stated that we owe a lot of gratitude to those who have served or who are currently serving in the military.

Councilmember Betterton noted that local schools will be closing for the Thanksgiving Holiday and that everyone needs to watch out for the children. Councilmember Betterton wished everyone a joyous Thanksgiving Holiday.

Councilmember Pendleton made comments regarding the purchase of the former Florence Golf & Country Club property. Councilmember Pendleton quoted Mayor Irons as saying that

Councilmember Morris came to him and discussed the purchase of the former Florence Golf & Country Club property. Councilmember Pendleton stated that Councilmember Morris is in support of a transfer station and yet he was in support of purchasing the former golf course property to expand the landfill. Councilmember Pendleton further stated that Councilmember Morris and Councilmember Betterton have been deceiving the public and allowing blame to be placed on Mayor Irons. Councilmember Pendleton thanked Mayor Irons for his comments tonight.

Councilmember Jordan had no comments.

President Barnhart stated that he has tried to get someone to tell him what the exact cost will be to the taxpayers for garbage pickup by using a transfer station. President Barnhart stated that he had recently visited his son-in-law in Decatur, Alabama and noted that he pays \$18.93 month for garbage pickup and that Decatur uses a regional landfill.

Councilmember Pendleton stated that we are not going to make a decision because there are people on this Council that do not want to compromise due to their own agenda.

Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK



