

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
APRIL 17, 2012**

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 17, 2012. President Barnhart called the meeting to order. Councilmember Pendleton 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

April 17, 2012

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Pendleton
 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:
 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 April 3, 2012.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Mike Richardson, DBA Mike's Cleaning Service, to furnish labor, materials and supplies necessary to provide janitorial services for City Hall and the Florence-Lauderdale Government Building, in the sum of \$2,950.00 per month plus \$0.21 per square foot to steam clean carpets and \$0.25 per square foot to strip and wax tile floors, to be paid from budgeted funds, Account #320-41810 Building Maintenance, sponsored by Phil Stevenson.

- (d) Resolution authorizing the City to enter into a contract with Highland Technical Services, Inc., to provide professional services for the investigation of and, if necessary, the preparation for the recovery of leachate from Cell #1 of the Florence Sanitary Landfill, in the amount of \$21,130.00, should Option No. 1 be implemented, the total amount will be \$55,640.00, to be expensed to account #267-43200, sponsored by David Koonce.
- (e) Resolution authorizing the City to enter into a contract with Atlas Builders & Roofing, Inc., to provide labor, equipment, materials and incidentals necessary to replace the roof at the Martin Park restroom facility, in the amount of \$1,295.00 plus \$45.00 per sheet to replace rotten and/or damaged decking, to be paid from budgeted funds Account #44725-00266, sponsored by Todd Nix.
- (f) Resolution authorizing the City to enter into a contract with North Alabama Glass & Interiors, Inc., to provide labor, equipment, materials and incidentals necessary to remove and replace three sections of aluminum windows in the Florence City Hall, in the amount of \$11,750.00, to be paid from budgeted funds Account #320-41810 Building Maintenance, sponsored by Gary Williamson.
- (g) Resolution authorizing the City to enter into a Special Work Authorization Agreement with the Alabama Department of Transportation to assist in the inspection of the Waterloo Road/Cypress Creek Bridge and the Pine Street Bridge, in the estimated amount of \$1,662.22, to be paid from budgeted funds, Account #398-43110 Special Projects, sponsored by Bill Batson.
- (h) Resolution to appoint James W. Bobo II to the Industrial Development Board.

12. Regular Agenda:

- (a) Resolution to declare June 22, 2012, as the Alabama Wounded Warriors, Disabled Veterans, and Fallen Service Members Day in the City of Florence, sponsored by Mayor Irons and City Council.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by VIBHUTI INC., d/b/a SUPER PARADISE, located at 1806 N. WOOD AVENUE, FLORENCE, AL 35630, sponsored by Robert M. Leyde
- (b) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Housing & Construction Appeals Board	3 - Vacancies		
Zoning Adjustments	2 - Vacancies (Supernumerary)		

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

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

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

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Graham 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: No

Message from the Mayor:

Mayor Irons presented a Proclamation as a Commendation to Mayor Michael L. Tank who is retiring from the Alabama Army National Guard after more than 31 years of service.

Mayor Irons asked Police Chief Rick Singleton to come forward. Police Chief Singleton recognized the K-9 Unit that consists of four officers and their dogs. Chief Singleton noted that the K-9 Unit began in the late sixties. Chief Singleton also noted that the four teams recently attended a competition that included numerous large cities and the Florence team was awarded two first place trophies that included Top Dog Award and Dual Purpose Regional 22 Award. Both awards were given to Officer Zack Maxwell and Canine Max. Chief Singleton stated that currently there is a canine on each shift.

Mayor Irons presented a Proclamation designating April 25, 2012 as "Red Hat Day". Several members of the local "Red Hat" Chapter received the proclamation.

Mayor Irons' comments regarding the "City-Wide Clean-Up" Day, follows, to wit:

Report of Department Heads: None

Report of Standing Committee:

Councilmember Jordan noted that the Finance Committee recently met to discuss making a video to showcase the tourist attractions in the City of Florence. Councilmember Jordan also noted that this project would be a partnership with Florence/Lauderdale Tourism, Marriott Hotel, SEDA and the Shoals Chamber of Commerce. Councilmember Jordan stated that the Finance Committee voted to move forward with this project at a cost of ten thousand dollars. Councilmember Jordan further stated that the video will appeared on Dr. Bonner's Racom and other web-sites.

Councilmember Pendleton made comments in favor of this project. Councilmember Pendleton stated that with this video our area can over come what we do not have in our City.

Councilmember Morris made comments in favor of this project. Councilmember Morris stated that this video will be a self promotion for the City.

Public Hearing: None

Business from the Floor Pertaining to Items on the Consent or Regular Agenda: None

Consent Agenda:

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

Councilmember Betterton 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 a Resolution to declare June 22, 2012, as the Alabama Wounded Warriors, Disabled Veterans, and Fallen Service Members Day in the City of Florence, sponsored by Mayor Irons and City Council. Said Resolution follows, to wit

Councilmember Graham moved for immediate consideration of the foregoing resolution.

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 moved for adoption of the foregoing resolution. 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 a Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by VIBHUTI INC., d/b/a SUPER PARADISE, located at 1806 N. 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 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 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

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Housing & Construction Appeals Board	3 - Vacancies		
Zoning Adjustments	2 - Vacancies (Supernumerary)		

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding “bad laws”. Mr. Simpson stated that there are a lot of people who, for whatever reason, choose their own medicine. Mr. Simpson further stated that people should be allowed to choose their own medicine. Mr. Simpson stated that there are drugs that could be used for many illnesses except they are illegal. Mr. Simpson further stated that the “Drug Wars” are not winning. Mr. Simpson stated that he is not in favor of breaking laws but there are laws that do more harm than good and that these laws need to be changed.

Ms. Marilyn Johnson, 2815 Alexander Street, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Johnson stated that if this Wal-Mart is allowed to be built on Cloverdale Road, it will be completely out of place. Ms. Johnson stated that her concern is that the current Wal-Mart, will in five years, be empty. Ms. Johnson further stated that the City Council in the past has not always made good decisions regarding its citizens. Ms. Johnson stated that the proposed Wal-Mart would cause property values in that area to decrease. Ms. Johnson urged the City Council to reject this development.

Ms. Fay Evans, 317 Sherbonne Court, appeared and made comments in opposition to the proposed Wal-Mart Development to be built in North Florence. Ms. Evans stated that she was upset with Robert Muse, Assistant Planning Director, for his comments at the Technical Planning Committee meeting last week. Ms. Evans also stated that she was upset with Jim Stanphill, Chairman of the Planning Commission, for his comments at the December 2011 Planning Commission meeting regarding the Barnett Family being allowed to sell their property to who they want to. Ms. Evans stated that Mr. Stanphill did not mention the rights of the homeowners in the area. Ms. Evans further stated that she has left these meetings with the thought that the City Officials are favoring Wal-Mart and not the citizens. Ms. Evans stated that Wal-Mart does not belong in a neighborhood but in a business district. Ms. Evans asked the Council to give all the information proper and fair consideration before you make your decision.

Ms. Diane O’Neal, Gunwaleford Road, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. O’Neal noted that her late father-in-law, Edward O’Neal would not be in favor of a Wal-Mart due to the cemetery that is located on the property. Ms. O’Neal also noted that the O’Neal family is descendants of the Coffee Family who previously owned the property and whose family is buried on the property. Ms. O’Neal asked the City Council to consider the history of the Coffee Family.

Mr. Coy Bramlett, 105 Kensington Drive, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Mr. Bramlett noted that the community is very

concerned about this matter. Mr. Bramlett stated that some of the main concerns are traffic safety, rezoning rules that were broken, EPA impact studies not completed, historical cemetery sites not clear, impact on surrounding businesses, value of homes, increased crime, quality of life, slap in the face to the neighborhood . Mr. Bramlett asked the Council to vote against Wal-Mart.

Ms. Trish Barnett, Lambeth Street, made comments in opposition to the proposed Wal-Mart Development in North Florence. Ms. Barnett stated that producing a video for this area is a great idea and it will promote our area. Ms. Barnett further stated to promote our area, we must show others how we run our City. Ms. Barnett stated that a Code of Ethics begins with industry standards. Ms. Barnett further stated that these standards are the minimum and that we should strive for more than minimum standards. Ms. Barnett stated that after industry standards we have City policy and after that we have individual morals. Ms. Barnett further stated the Council should consider "Do unto others as you would have them do unto you".

Mr. Bart Connor, Ashwoody Drive, appeared and made comments in opposition to the proposed Wal-Mart Development in North Florence. Mr. Connor stated that the City has a comprehensive growth plan for this area which shows the area of the former Coffee Plantation as a recreational area.

Mr. Billy Sledge, 3150 Roberson Road, Apt # 509, appeared and made comments regarding cemeteries that are located on the proposed Wal-Mart Development in North Florence. Mr. Sledge stated that he is afraid that Wal-Mart is only taking one cemetery into consideration. Mr. Sledge stated that he believes Wal-Mart officials have lied about the cemeteries that are located on this property.

Council Reports and/or Comments:

Councilmember Jordan had no comments.

Councilmember Graham made comments regarding the proposed Wal-Mart Development in North Florence. Councilmember Graham assured everyone that everyone who appears and makes comments, that their comments are heard, studied and considered. Councilmember Graham Councilmember Graham stated that Wal-Mart is “not in my pocket”. Councilmember Graham further stated that this Council is here to serve and to do what is best for all of the people Councilmember Graham noted that the District 3 Community meeting will be on April 26th at 6:00 p.m. at the Broadway Recreation Center. Councilmember Morris congratulated the K-9 Unit for their recent awards. Councilmember Morris also expressed his appreciation for those who participated in the City-Wide Clean-Up Day last Saturday. Councilmember Morris stated that 6,000 pounds of litter was collected.

Councilmember Morris asked that minutes from the work session of the Council meeting on April 3, 2012 be included in the minutes of today’s City Council meeting. Work Session minutes follow, to wit:

Councilmember Betterton had no comments.

Councilmember Pendleton stated that he understands what the First Amendment is all about. Councilmember Pendleton further stated that everyone has the right to petition their government but that does not mean that you will get what you want. Councilmember Pendleton stated that he brings a sense of fairness to this table. Councilmember Pendleton acknowledged Ms. Diane O'Neal who spoke earlier. Councilmember Pendleton noted that she is a member of one of our most historical families in our area. Councilmember Pendleton stated that the Council has a set of rules and that we will follow those rules. Councilmember Pendleton further stated that he would not have an objection to Wal-Mart building in his back yard but there is not enough land in his neighborhood. Councilmember Pendleton stated that not everybody is not in love with what others are in love with. Councilmember Pendleton further stated he is looking at this from a technical stand point and that he does not appreciate what has been said about some of the City employees.

President Barnhart had no comments.

President Barnhart presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

