

CITY OF FLORENCE
MINUTES OF CITY COUNCIL
MAY 1, 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, May 1, 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

May 1, 2012

5:00 P.M.

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 17, 2012.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Michael R. White, DBA Hot Shots Sports Photography, to provide sports photography for the youth athletic participants and teams for the City, City to be paid 25% of the net proceeds from the team and individuals and 10% of the net proceeds from action photographs, sponsored by Todd Nix.
- (d) Resolution authorizing the City to enter into a contract with Vandiver Paving, Inc., to provide labor, equipment, materials and incidentals necessary to seal and stripe the

parking lots at the Florence/Lauderdale Coliseum and Blackberry Trail Golf Course, in the amount of \$28,775.00, to be paid from budgeted funds Account #117-931-44410 and Account #117-931-44730, sponsored by Todd Nix.

- (e) Resolution authorizing the City to enter into a contract with Theatrical Lighting Systems, Inc., to provide labor, equipment, materials and incidentals necessary to replace the tower lights at River Heritage Park, in the amount of \$28,154.00, to be paid from budgeted funds Account #44725-01147, sponsored by Todd Nix.
- (f) Resolution authorizing the City to enter into a contract with Coldwater Landscapes, LLC, to provide labor, equipment, materials and incidentals necessary to complete a drainage project at 2113 Covington Drive, in the amount of \$3,285.00, to be expensed to Account #399-43120, sponsored by David Koonce.
- (g) Resolution authorizing the City to make application to the Edward Byrne Memorial Justice Assistance Grant Program (JAG) Award in the amount of \$12,219.00 with the funding divided equally between the City and Lauderdale County, sponsored by Rick Singleton.
- (h) Resolution authorizing the City to enter into a Disparate Jurisdiction Agreement and a Memorandum of Understanding with the Lauderdale County Commission in connection with the application to the U.S. Department of Justice, Office of Justice Programs, for a 2012 Justice Assistance Grant (JAG) Program Award, sponsored by Rick Singleton.
- (i) Resolution to approve the donation of a 2000 Ford Crown Victoria, VIN Number 2FAFP74W3YX116650, to the Northwest Alabama Regional Airport Authority, sponsored by Rick Singleton.
- (j) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Annexation of approximately 4.95 acres of land of the Barnett Estate located in the northwest quadrant of Cloverdale Road and Cox Creek Parkway, sponsored by Melissa Bailey.
- (b) Ordinance to repeal prior athletic fee schedules and to adopt new athletic fee schedules for individuals and team registrations, sponsored by Todd Nix.

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>
Hospital Board	Vacant		
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 Graham
Councilmember Morris
Councilmember Betterton
Councilmember Pendleton

Councilmember Jordan
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' comments follow, to wit:

Report of Department Heads: None

Report of Standing Committee:

Councilmember Betterton gave a report of the Parks & Recreation meeting that was held on April, 23 2012 and Councilmember Graham gave a report of a recent Utilities Committee meeting. Both reports follow, to wit:

Public Hearing: None

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

Mr. Keith Jones, 117 Kensington Drive, appeared and made comments regarding stormwater drainage problems in his neighborhood. Mr. Jones expressed concern regarding the stormwater flow that will come from the Barnett property. Mr. Jones asked that if the Wal-Mart construction is approved would the City make the necessary drainage corrections.

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

Ayes: Sam Pendleton, Jr.

Hermon T. Graham

Barry Morris

James H. Barnhart

Noes:None

City Clerk, Robert M. Leyde, presented an Ordinance to annex approximately 4.95 acres of land of the Barnett Estate located in the northwest quadrant of Cloverdale Road and Cox Creek Parkway, sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing ordinance.

Councilmember Pendleton 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
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Noes:	None
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Councilmember Pendleton 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. William D. Jordan Hermon T. Graham Barry Morris James H. Barnhart
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Noes:	None
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City Clerk, Robert M. Leyde, presented an Ordinance to repeal prior athletic fee schedules and to adopt new athletic fee schedules for individuals and team registrations, sponsored by Todd Nix. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

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

Noes: None

General Business:

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

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

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

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding a deficiency in the City Council meetings. Mr. Crowder noted that this is a gavel-less body and he presented President Barnhart with a new gavel. Mr. Crowder stated that he can, in a very small way, make a contribution to his local government.

Ms. Charlotte Lawson, 326 Louise Street, appeared and asked the City Council who requested the rezoning of the property located on Cloverdale Road. President Barnhart asked that Ms. Lawson speak to Melissa Bailey, Planning Director, at the close of the meeting.

Mr. Jim Favnesi, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Mr. Favnesi presented a presentation regarding the rezoning of the Barnett Property located on Cloverdale Road. Mr. Favnesi noted that the City Council is elected to do what is best for the City of Florence. Mr. Favnesi stated that the Council should test this proposal against the City's 2006 Comprehensive Plan. Mr. Favnesi further stated that the quality of life should be considered. Mr. Favnesi stated that this development, according to the 2006 Comprehensive Plan, is not a more focus development but a sprawl development. Mr. Favnesi further stated that this development is not consistent with the 2006 Comprehensive Plan.

Mr. Steve Orr, 328 Reddoch Road, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Mr. Orr continued with the presentation. Mr. Orr stated that he questions if there will be a significant number of increased jobs or increased sales tax revenue with this development. Mr. Orr further stated that he is not opposed to Wal-Mart, but he believes that this location is not the best place for Wal-Mart. Mr. Orr asked the City Council to consider this proposal strategically and to do what is best for Florence.

Ms. Nancy Muse, 246 Robinhood Drive, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Muse stated that people do not want to see more sprawl development. Ms. Muse further stated that the City, according to the 2006 Comprehensive Plan, has many commercially zoned undeveloped properties that are not being utilized. Ms. Muse stated that Wal-Mart has a track record of unethical behavior. Ms. Muse further stated that the focus needs to be on small, locally owned businesses where the revenue actually stays in Florence.

Ms. Fay Evans, 317 Sherbonne Court, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Evans stated that the Florence Planning Commission ignored valid points regarding the rezoning of the property. Ms. Evans noted that the Zoning Regulations for Florence states that districts are designed to protect the residential character of the districts by prohibiting all commercial activities and encouraging a suitable neighborhood environment for family life. Ms. Evans stated that rezoning this property would violate the rights of B-1 neighborhoods. Ms. Evans further stated that the citizens' rights have been violated. Ms. Evans stated that the elected leaders should take a closer look at this company and their policies.

Ms. Amanda Berry, 108 Lambeth Street, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Berry stated that Wal-Mart officials have not been completely honest regarding this development. Ms. Berry further stated that once this development is done, it can not be undone. Ms. Berry asked do we want a business that lacks the concern for our community.

Ms. Nancy Berry, 108 Lambeth Street, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Berry stated that she has created a web-site entitled "Save Coffee Cemetery". Ms Berry further stated that Wal-Mart has very deep pockets and that they can make all kind of promises that they probably will not keep. Ms. Berry stated that she was once a full-time employee for Wal-Mart with benefits and she was replaced with a part-time person with no benefits because it was more profitable.

Mr. Wes Holley, 305 Crossmore Drive, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Mr. Holley stated that the problem we have with the Wal-Mart site is money. Mr. Holley further stated that the property located in the area will decrease in value. Mr. Holley stated that traffic is a major concern.

Ms. Jan Bramlett, 105 Kensington Drive, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Bramlett stated that the Barnett Family does not own the Coffee Cemetery property. Ms. Bramlett further stated that Wal-Mart can not legally purchase or build on this property. Ms. Bramlett stated that from the aerial photos dated 1949, 1954, 1962 and 1970 shows a rectangular burial site. Ms. Bramlett presented records that follow, to wit:

Ms. Bramlett stated that these records, which are archived at the University of North Alabama, show that Ms. Camilla Coffee was the last person to be buried at the Coffee Cemetery which was in 1928. Ms. Bramlett further stated that the aerial photos outlining the Coffee Cemetery and the slave cemetery can not be ignored. Ms. Bramlett stated that there are indications of other burial sites outside of the Coffee Cemetery. Ms. Bramlett further stated that the City should not rezone the property when there is much doubt concerning the burial sites.

Ms. Kay Kirschler, appeared and made comments in opposition to the proposed Wal-Mart to be built in North Florence. Ms. Kirschler stated that she is pleased that there is a representative from Wal-Mart at tonight's meeting because she would like for him to let the company know how strongly the neighborhood opposes the proposed construction. Ms. Kirschler asked the Council to treat the citizens of Florence the way that they would want to be treated. Ms. Kirschler questioned the need for a second Wal-Mart. Ms. Kirschler noted that Tuscaloosa has only one Wal-Mart.

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 stated influence peddling has taken place with money being offered to take care of the Coffee Cemetery. Mr. Bramlett further stated that Wal-Mart has offered to pay \$25,000.00 to make sure the cemetery is cleaned up, a fence erected and to place an historical marker near the cemetery. Mr. Bramlett stated that Wal-Mart has recently hired two public relations people to come to Florence to influence the local school boards by offering scholarships. Mr. Bramlett further stated that the citizens do not feel that their objections have been heard.

Mr. Ran Joseph Muller, 239 Hillsboro Circle, made comments in opposition to the proposed Wal-Mart to be built in North Florence. Mr. Muller stated that the City does not need another Wal-Mart that is two miles from each other. Mr. Muller further stated that the City needs to keep businesses all together.

Mr. Billy Joe Sledge, 3150 Roberson Road, Apt # 509, appeared and made comments regarding the Coffee Cemetery. Mr. Sledge asked that the Council observe five minutes of silence in honor of those buried at the Coffee Plantation.

Council Reports and/or Comments:

Councilmember Graham welcomed everyone in attendance at tonight's meeting. Councilmember Graham congratulated Security Officer Brittany Frost for her heroic deed.

Councilmember Morris stated that he loves this City and the people.

Councilmember Betterton welcomed Mayor Ford to tonight's meeting.

Councilmember Pendleton also welcomed Mayor Ford.

Councilmember Pendleton made comments regarding comments that were made regarding the proposed Wal-Mart to be built in North Florence. Councilmember Pendleton stated that he knows all about double talk, and democracy with this group that is opposing Wal-Mart is one way democracy. Councilmember Pendleton further stated that Mr. Robert Steen, Historical Board President, was in attendance at the Coffee Cemetery site and that he stated that Wal-Mart officials had offered to help clean up the cemetery. Councilmember Pendleton stated that this was not a bribe but was a concern for the dead. Councilmember Pendleton further stated that there has been a lack of concern for this cemetery. Councilmember Pendleton stated that the public should not be allowed to quote from the Council without naming the particular Councilmember. Councilmember Pendleton

further stated that he is not seeking re-election and that he thanked everyone for their support for the last twenty years. Councilmember Pendleton stated that this group opposing Wal-Mart is making innuendos. Councilmember Pendleton stated that he is leaving office with his integrity.

Councilmember Pendleton thanked Mr. Keith Jones, Director of NACOLG, for his attendance at tonight's meeting.

Councilmember Jordan also welcomed Mayor Ford.

Councilmember Jordan made comments regarding a recent visit to Coffee Cemetery. Councilmember Jordan stated that he was in attendance at the Coffee Cemetery with Councilmember Pendleton and Wal-Mart officials. Councilmember Jordan stated that he is still gathering information regarding the proposed Wal-Mart.

President Barnhart stated that he was disappointed that he was not invited to the recent trip to Coffee Cemetery. President Barnhart further stated that this is a special interest to him. President Barnhart asked each Councilmember if they would want a big box retailer to build in their neighborhood. President Barnhart stated that everyone needs to look at the big picture and neighborhoods should be preserved.

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Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

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