

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
AUGUST 7, 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, August 7, 2012. 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 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**

**August 7, 2012**

**5:00 P.M.**

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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) Rezoning of property located at 302 West Alabama Street from R-2 (Single-Family Residential District) to R-B (Residential Business District) as requested by Sammy Broadfoot.
  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 July 17, 2012.
    - (b) Confirm payment of bills by the City Treasurer.
    - (c) Resolution authorizing the City to enter into a contract with Don Harris to provide consulting services to the City in regard to the 2012 general municipal election to be held August 28, 2012, and if necessary, the run-off election to be held on October 9, 2012, in the amount of \$35.00 per hour, \$40.00 per delivery of Optech III Eagle and \$20.00 for delivery of Auto Mark voter machines, to be paid from budgeted funds Account #360-45000, sponsored by Robert Leyde.

- (d) Resolution authorizing the City to enter in a contract with Kidz Zone Play Systems, Inc., to provide labor, equipment, materials and incidentals necessary to replace the existing Deibert Park Playground Equipment, in the amount of \$110,000.00, to be paid from budgeted Fund 117 1147-44725, sponsored by Todd Nix.
- (e) Resolution authorizing the City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to remove a tree, stump and dispose of all debris at the Maud Lindsey Free Kindergarten and adjacent right-of-way, in the amount of \$4,600.00, to be paid from budgeted Community Development Block Grant funds, sponsored by Melissa Bailey.
- (f) Resolution authorizing the City to enter into a contract with Johnson Contractors, Inc., to provide labor, equipment, materials, incidentals necessary for renovations to Stairwell #300 at the Downtown Parking Deck, in the amount of \$130,000.00, to be paid from Municipal Capital Improvement Fund 117, sponsored by Robert Leyde.
- (g) Resolution authorizing the City to enter into a contract with Rogers Group, Inc., to provide labor, equipment, materials, and incidentals necessary for the 2012 Street Resurfacing Program, in the amount of \$678,851.87, to be paid from budgeted Gas Tax, Funds 126, 127, 159, Account No. 931-48100, sponsored by Bill Batson.
- (h) Resolution authorizing the City to cancel the current water purchase contract with the East Lauderdale Water and Fire Protection Authority, sponsored by Mike Doyle.
- (i) Resolution authorizing the City to enter into a Letter of Engagement with the Watkins Johnsey Professional Group, P.C., to provide a review of costs and expenses of the City of Florence Solid Waste fund and the City's General Fund as such costs and expenses relate to providing the services of solid waste collection and landfill operations and the recycling operations, to be paid according to an hourly fee schedule plus out-of-pocket expenses, sponsored by the Finance Committee. **(This item was moved to Regular Agenda Item 12 (h))**
- (j) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to rezone property located at 302 West Alabama Street from R-2 (Single-Family Residential District) to R-B (Residential Business District).
- (b) Resolution to establish the rate of pay for poll workers in the August 28, 2012 General Municipal Election and all future Municipal Elections at \$125.00 per day for Inspectors and \$100.00 per day for Clerks, to be paid from budgeted funds Account #360-45000, sponsored by Robert Leyde.
- (c) Resolution to appoint officers to hold the election where electronic vote counting machines are used, sponsored by Robert Leyde.
- (d) Resolution to declare William "Dick" Jordan duly elected to the office of City Council - District 2 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. **(This item was added to the agenda)**
- (e) Resolution to declare Vicky Kirkman duly elected to the office of Board of Education - District 1 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. **(This item was added to the agenda)**
- (f) Resolution to declare Bill Gullett duly elected to the office of Board of Education - District 4 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. **(This item was added to the agenda)**
- (g) Resolution to declare Jim Fisher duly elected to the office of Board of Education - District 6 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. **(This item was added to the agenda)**
- (h) Resolution authorizing the City to enter into a Letter of Engagement with the Watkins Johnsey Professional Group, P.C., to provide a review of costs and expenses of the City of Florence Solid Waste fund and the City's General Fund as

such costs and expenses relate to providing the services of solid waste collection and landfill operations and the recycling operations, to be paid according to an hourly fee schedule plus out-of-pocket expenses, sponsored by the Finance Committee. **(This item was moved from Consent Agenda Item 11 (i))**

13. General Business:

(a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by C & S PACKAGE STORE INC., d/b/a TENNESSEE STREET BILLIARDS & GRILLE, located at 118 E. TENNESSEE STREET, 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	1 - Vacancy		
Scope 310	Vacant		
Zoning Adjustments	1 - Vacancy (Supernumerary)		

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

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

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

16. Motion to Adjourn.

President Barnhart noted that it was decided at the earlier work session to add Regular Agenda Item 12 (d) Resolution to declare William “Dick” Jordan duly elected to the office of City Council - District 2 for the term commencing on the first Monday of November, 2012, Regular Agenda Item 12 (e) Resolution to declare Vicky Kirkman duly elected to the office of Board of Education - District 1 for the term commencing on the first Monday of November, 2012, Regular Agenda Item 12 (f) Resolution to declare Bill Gullett duly elected to the office of Board of Education - District 4 for the term commencing on the first Monday of November, 2012, and Regular Agenda Item 12 (g) Resolution to declare Jim Fisher duly elected to the office of Board of Education - District 6 for the term commencing on the first Monday of November, 2012 were being added to the agenda. President Barnhart further noted that it was also decided to move Consent Agenda Item 11 (i) Resolution authorizing the City to enter into a Letter of Engagement with the Watkins Johnsey

Professional Group, P.C., to provide a review of costs and expenses of the City of Florence Solid Waste fund and the City's General Fund as such costs and expenses relate to providing the services of solid waste collection and landfill operations and the recycling operations, to be paid according to an hourly fee schedule plus out-of-pocket expenses, sponsored by the Finance Committee was being to Regular Agenda Item 12 (h).

There being no other changes, President Barnhart asked for a motion for approval of the amended agenda. Councilmember Graham moved for approval of the amended agenda.

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

**Message from the Mayor:**

Mayor Irons' comments follow, to wit:

**Report of Department Heads:**

**Report of Standing Committee:** None

**Public Hearing:**

President Barnhart noted that this is the date and time advertised for a Public Hearing regarding a proposed rezoning of property located at 302 West Alabama Street from R-2 (Single Family Residential) to R-B (Residential Business District).

Melissa Bailey, Planning Director, appeared and stated that the Planning Commission unanimously recommends the approval of the proposed rezoning.

**There being no comments from the public, President Barnhart closed the Public Hearing**

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to rezone property located at 302 West Alabama Street from R-2 (Single-Family Residential District) to R-B (Residential Business District).

Said ordinance follows, to wit:

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.  
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

President Barnhart passed the gavel to President Pro Temp Graham and stated that he would abstain from voting on the next two items.

City Clerk, Robert M. Leyde, presented a Resolution to establish the rate of pay for poll workers in the August 28, 2012 General Municipal Election and all future Municipal Elections at \$125.00 per day for Inspectors and \$100.00 per day for Clerks, to be paid from budgeted funds Account #360-45000, sponsored by Robert Leyde. Said Resolution follows, to wit:

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  
Hermon T. Graham  
Barry Morris  
Andrew Betterton

Noes: None

Abstain: James H. Barnhart

Councilmember Jordan moved for adoption of the foregoing resolution. 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  
Andrew Betterton

Noes: None

Abstain: James H. Barnhart

City Clerk, Robert M. Leyde, presented a Resolution to appoint officers to hold the election where electronic vote counting machines are used, sponsored by Robert Leyde. Said Resolution follows, to wit:



President Barnhart passed the gavel to President Pro Temp Graham.

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

Abstain: James H. Barnhart

Councilmember Betterton moved for adoption of the foregoing resolution. 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  
Andrew Betterton

Noes: None

Abstain: James H. Barnhart

City Clerk, Robert M. Leyde, presented a Resolution to declare William "Dick" Jordan duly elected to the office of City Council - District 2 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. Said Resolution follows, to wit:

President Pro Tem Graham return the gavel to President Barnhart.

Councilmember Graham moved for immediate consideration of the foregoing resolution.

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 resolution. Councilmember Morris seconded the motion.

**Discussion:**

Councilmember Jordan stated that it has been a pleasure to represent the citizens of District 2 for the past four years and that he is looking forward to the next four years.

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 to declare Vicky Kirkman duly elected to the office of Board of Education - District 1 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. Said Resolution follows, to wit:

Councilmember Betterton 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 Betterton moved for adoption of the foregoing resolution. 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 to declare Bill Gullett duly elected to the office of Board of Education - District 4 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. Said Resolution follows, to wit:

Councilmember Morris moved for immediate consideration of the foregoing resolution.

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 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 to declare Jim Fisher duly elected to the office of Board of Education - District 6 for the term commencing on the first Monday of November, 2012, sponsored by Mayor Irons. Said Resolution follows, to wit:

Councilmember Morris moved for immediate consideration of the foregoing resolution.

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 Betterton moved for adoption of the foregoing resolution. 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 Letter of Engagement with the Watkins Johnsey Professional Group, P.C., to provide a review of costs and expenses of the City of Florence Solid Waste fund and the City's General Fund as such costs and expenses relate to providing the services of solid waste collection and landfill operations and the recycling operations, to be paid according to an hourly fee schedule plus out-of-pocket expenses, sponsored by the Finance Committee. Said Resolution follows, to wit:

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

**Discussion:**

Councilmember Graham made comments in opposition to the proposed resolution. Councilmember Graham stated that this Council closed the landfill five years too early. Councilmember Graham further stated that Dan Barger, Chief Accountant/Treasurer, has provided this Council the figures that it needs.

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton stated that he is in agreement with closing the landfill. Councilmember Pendleton further stated that a fine from ADEM would have solidified the problems at the landfill.

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: Hermon T. Graham

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by C & S PACKAGE STORE INC., d/b/a TENNESSEE STREET BILLIARDS & GRILLE, located at 118

City of Florence, AL  
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E. TENNESSEE STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said

Resolution follows, to wit:

Councilmember 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 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

(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	1 - Vacancy		
Scope 310	Vacant		
Zoning Adjustments	1 - Vacancy (Supernumerary)		



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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding upholding the Constitution. Mr. Simpson stated that the Constitution was not created just for Christians but everyone. Mr. Simpson further stated that the Constitution guarantees the rights of all people. Mr. Simpson stated that corrupt politicians in Montgomery should be removed.

**Council Reports and/or Comments:**

Councilmember Morris expressed his appreciation to the young men and coaches that were present earlier in the meeting.

Councilmember Betterton commended the people from Regional Care for their meeting at Brandon School.

Councilmember Pendleton had no comments.

Councilmember Jordan also expressed his appreciation to the young men in attendance.

Councilmember Jordan congratulated Jim Fisher, Vicky Kirkman and Bill Gullett for their newly elected positions on the Florence City School Board after having no opposition.

Councilmember Graham also commended the young men and also the Parks & Recreation Maintenance employees for their hard work.

President Barnhart congratulated Councilmember Jordan, Jim Fisher, Vicky Kirkman and Bill Gullett for their newly elected positions after having no opposition for the Municipal Election to be held on August 28<sup>th</sup>.

Councilmember Betterton presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK