

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
October 6, 2009**

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, October 6, 2009. President Barnhart called the meeting to order. City Councilmember Graham 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**

**October 6, 2009**

**5:00 P. M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Graham
  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:       None
  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 September 15, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Fairbanks Scales, Inc., to perform semiannual inspections and preventative maintenance on the scales at the Florence Landfill, to be paid the amount of \$395.00 per inspection; annual jack up and greasing \$1,200.00; field repairs Monday - Friday 8-5 \$80.00 per hour labor and travel hours; midnight Friday until midnight Saturday \$120.00 per hour labor and travel hours; midnight Saturday until midnight Sunday \$160.00 per hour labor and travel hours; Holidays \$160.00 per hour; emergency call out - Class 1 test truck charge \$499.00; Class 3 pick up charge \$260.00; to be paid from budgeted funds, sponsored by David Koonce.

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- (d) Resolution authorizing the City to enter into a contract with Keeton Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for wiring to provide power to the new bailer at the Florence Recycling Plant, in the amount of \$3,628.00, to be paid from budgeted funds, sponsored by David Koonce.
- (e) Resolution authorizing the City to appropriate from the City's Workers' Compensation Fund to settle a workers' compensation claim filed against the City by Terry Liles with the medicals being left open, sponsored by Barry Brewer and Bill Musgrove.
- (f) Resolution to appropriate an amount not to exceed \$50,000.00 from the City's Liability Insurance Fund to settle the lawsuit filed against the City by Donald Abernathy, sponsored by Bill Musgrove.
- (g) Resolution to appropriate from the City's Workers' Compensation Fund to settle a workers' compensation claim filed against the City by John Muse with the medicals being left open, sponsored by Barry Brewer and Bill Musgrove.
- (h) Resolution authorizing the City to enter into a Collection Services Agreement with CBSi Collection Services to provide collection services for Florence Utilities, to be paid a contingency fee of 29% on all dollars collected on accounts placed and a contingency fee of 40% on all dollars collected on accounts involving special handling such as legal suit and bankruptcy, sponsored by Vance Young.
- (i) Resolution authorizing the City to enter into an Agreement with the Northwest Alabama Council of Local Governments to provide transportation services to citizens of Florence, to be paid as specified in "Terms of Compensation," sponsored by Mayor Irons and the City Council.
- (j) Resolution authorizing the City to accept as charitable gifts two (2) houses located in Colbert County, Alabama, to be used by the City of Florence Fire and Rescue Department for training purposes, sponsored by Charlie Cochran.
- (k) Resolution authorizing the City to enter into an agreement with Rusty and Lisa Alexander to perform a controlled burn of the structure located at 205 Lakeview Drive, Muscle Shoals, Alabama 35661, to provide training exercises for the Florence Fire Department, sponsored by Charlie Cochran.
- (l) Resolution to reappoint Gene Crane to the Housing and Construction Codes Appeals Board.
- (m) Resolution to reappoint Jack B. Reid to the Housing and Construction Codes Appeals Board.
- (n) Resolution to reappoint Macke Mauldin to the Shoals Economic Development Authority.
- (o) Resolution to reappoint B. Jack Johnson to the Shoals Economic Development Authority.
- (p) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance requiring contractors to attest they will not knowingly violate 8 U.S.C. §1324a and to enroll in employment eligibility verification system, sponsored by Mayor Irons.
- (b) Ordinance to approve the conveyance of the property located adjacent to Four Lane Shopping Center to Four Lane Shopping Center, LLC, for the sales price of \$26,000.00, sponsored by Bob Leyde.
- (c) Ordinance to annex property located on the south side of US 72 between Beaman Drive and Kentucky Avenue.
- (d) Ordinance to annex property located on Jane Way in Regency Acres Subdivision east of Middle Road.

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13. General Business:

- (a) Resolution authorizing the City to appropriate the following sums for the General Fund Budget, reflecting projected revenues of \$46,993,260.00 and projected expenses of \$46,766,111.00 for fiscal year ending September 30, 2010, sponsored by Mayor Irons and Dan Barger.
- (b) Resolution approving the sixteen (16 various Special Fund Budgets , in the amount of \$15,818,575.00, for the fiscal year ending September 30, 2010, sponsored by Mayor Irons and Dan Barger.
- (c) Resolution authorizing the City to appropriate the following sums for the Solid Waste Fund Budget, reflecting projected revenues of \$4,227,500.00, use of net assets totaling \$184,760.00, and projected expenses of \$4,412,260.00 for the fiscal year ending September 30, 2010, sponsored by Mayor Irons and Dan Barger.
- (d) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
City Historian			
Tourism	Bill Hunt	08/28/03	09/30/09

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

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

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

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the agenda. Councilmember Pendleton 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.  
Herman T. Graham  
William D. Jordan  
Barry Morris  
James H. Barnhart  
Andrew Betterton

Noes: None

**Message from the Mayor:**

Mayor Irons presented a Proclamation designating the week of October 4<sup>TH</sup> thru 10<sup>th</sup>, 2009, as Mental Illness Awareness Week. This Proclamation was received by Mr. Roy Skipworth, Co-Chairman of NAMI of the Shoals.

Mayor Irons presented a Proclamation designating the week of October 25<sup>th</sup> thru 31<sup>st</sup>, 2009, as Pro Bono Week. This Proclamation was received by City Attorney, Mr. Billy Musgrove.

Mayor Irons presented a Proclamation designating October 16<sup>th</sup> & 17<sup>th</sup> as "Stewart Cink Days". This Proclamation was received by Chris & Patricia Burns of the Florence Golf and County Club. Mayor Irons thanked Chris & Patricia Burns for their work on this event.

Mayor Iron made comments regarding Wise Alloys new contract with Anheuser BusCh Company. Mayor Irons stated that this contract means more jobs for this area. Mayor Irons also stated that this contract is the thrust that this community needed during an economic downturn. Mayor Irons stated that he wants everyone to realize how important Wise Alloys is to this community.

Mayor Irons made comments regarding Regular Agenda Item 12 (a) Ordinance requiring contractors to attest they will not knowingly violate 8 U.S.C. §1324a and to enroll in employment eligibility verification system. Mayor Irons noted that this ordinance deals with the employment of illegal immigrants for City of Florence projects. Mayor Irons stated that the resolution will require contractors to give the City a certification that they are in compliance with the Federal Law (USC Section 1324) that specifies that contractors will not hire illegal immigrants. Mayor Irons also stated that we must get involved as a City by monitoring our projects to assure that the right people are being employed by the City contractors. Mayor Irons stated that he believes this ordinance will place us in a stronger position to monitor these activities. Mayor Irons asked for the Council's support in passing this ordinance.

Mayor Irons made comments regarding the 2009-2010 General Fund Budget that is being presented on tonight's agenda. Mayor Irons stated that he is pleased to present a very realistic and practical General Fund Budget to the Council for approval. Mayor Irons stated that the goal again this year is to maintain employment levels and to provide quality service to our citizens.

Mayor Irons thanked Mr. Dan Barger, City Treasurer, and all of the Department Heads for their continuous efforts to control operational expenses and capital equipment purchases during these difficult times. Mayor Irons noted that due to the commitment and hard work of the Department Heads, we will complete our second year with a budget surplus, even though City revenues are projected to be down \$500,000 from last year.

Mayor Irons stated that this budget is reasonable, but that the new fiscal year must be approached with caution to make sure that the City continues to maintain a strong financial position.

**Reports of Department Heads:** None

**Reports of Standing Committees:** None

**Public Hearings:** 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 Betterton moved for approval of (a) Approval of minutes of the Regular Meeting on September 15, 2009 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 Jordan seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

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

Noes: None

**Regular Agenda:**

City Clerk, Robert M. Leyde, presented an Ordinance requiring contractors to attest they will not knowingly violate 8 U.S.C. §1324a and to enroll in employment eligibility verification system, sponsored by Mayor Irons. Said Ordinance follows, to wit:

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

Noes: None

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to approve the conveyance of the property located adjacent to Four Lane Shopping Center to Four Lane Shopping Center, LLC, for the sales price of \$26,000.00, sponsored by Bob Leyde. Said ordinance follows, to wit:

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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.  
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 Betterton 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 to annex property located on the south side of US 72 between Beaman Drive and Kentucky Avenue. Said Ordinance follows, to wit:



Councilmember Graham moved for immediate consideration of the foregoing ordinance.

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

**Discussion:**

Councilmember Graham asked if this annexation includes the new hotel under construction. Robert Muse, Assistant Planning Director, stated that this annexation is for the Guthries Building, Bank Independent and Lee Heights Baptist Church property only.

There being no further 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 to annex property located on Jane Way in Regency Acres Subdivision east of Middle Road. Said Ordinance follows, to wit:

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to appropriate the following sums for the General Fund Budget, reflecting projected revenues of \$46,993,260.00 and projected expenses of \$46,766,111.00 for fiscal year ending September 30, 2010, sponsored by Mayor Irons and Dan Barger. Said Resolution follows, to wit:

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

Noes: None

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

**Discussion:**

Councilmember Jordan made comments in support of the budget. Councilmember Jordan thanked Mayor Irons and Dan Barger for their work on the budget. Councilmember Jordan stated that with this budget, we will still continue to provide high level service to our citizens.

Councilmember Morris made comments in support of the budget. Councilmember Morris also thanked Mayor Irons, Dan Barger for their work on the budget.

Councilmember Pendleton made comments in support of the budget. Councilmember Pendleton stated that services have increased even though revenues have decreased.

President Barnhart thanked Mayor Irons, Dan Barger, Department Heads and the City Council for their work on the budget.

There being no further 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 a Resolution approving the sixteen (16 various Special Fund Budgets , in the amount of \$15,818,575.00, for the fiscal year ending September 30, 2010, sponsored by Mayor Irons and Dan Barger. Said Resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Pendleton 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 resolution. Councilmember Morris 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 a Resolution authorizing the City to appropriate the following sums for the Solid Waste Fund Budget, reflecting projected revenues of \$4,227,500.00, use of net assets totaling \$184,760.00, and projected expenses of \$4,412,260.00 for the fiscal year ending September 30, 2010, sponsored by Mayor Irons and Dan Barger. Said Resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Pendleton 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 resolution. Councilmember Morris seconded the motion.

**Discussion:**

Councilmember Pendleton stated that he had noticed little changes that are being made by this department to conserve fuel.

There being no further 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

**Board Openings:**

President Barnhart noted that at an earlier work session, the City Council nominated Jan Ingle for Tourism Board. President Barnhart stated that this nomination will appear on the next City Council agenda.

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
City Historian			
Tourism	Bill Hunt	08/28/03	09/30/09

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

Charles Harlan, Berry Avenue, appeared and made comments regarding a City employee being arrested for stealing City funds. Mr. Harlan stated that this individual should be treated the same as a previous City employee who was arrested for stealing and was allowed to make restitution.

Barbara Hill, 769 Sannoner Avenue, appeared thanked Todd Nix, Community Services for his support regarding her comments. Ms. Hill also thanked Frank Townsell, Cemetery Sexton and his crew for their hard work in maintaining the Florence Cemetery. Ms Hill stated that Paul Graham, Urban Forester, is working with volunteers to bring back native grass to the Indian Mound. Ms. Hill stated that even though the Indian Mound Museum maybe moving to McFarland Park, the City needs to continue maintaining the museum.

Jody McFarland, 1009 Military Road, appeared and made comments in reference to a conversation with Barbara Broach, Director of Art Center/Museums, regarding volunteers at the Indian Mound. Ms. McFarland stated that she was told by Ms. Broach that volunteers are not needed at this time for the Indian Mound. Ms. McFarland also made comments regarding the lack of maintenance at the Indian Mound. Ms. McFarland stated that she was told by Paul Graham, Urban Forester, that it was due to a lack of supervision. Ms. McFarland stated that the building that houses the museum is in need of repair. Ms. McFarland stated that the way in which the Indian Mound is presently being maintained shows a lack of respect.

Rogers Kimbrell, 307 Davis Avenue, appeared and made comments regarding comments made by Councilmember Pendleton at the last City Council meeting. Mr. Kimbrell asked that Councilmember Pendleton support a free enterprise system instead of big government.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and stated that we need to motivate and encourage our children to stay in school. Mr. Simpson stated that our children continue to need help.

**Council Reports and/or Comments:**

Councilmember Jordan stated he was very pleased that the 2009- 2010 General Fund Budget contains level funding for government and non-government institutions.

Councilmember Jordan thanked Ms. Hill and Ms McFarland for their comments and concerns. Councilmember Jordan stated that he had met with TVA several months ago regarding moving the Indian Mound Museum to the former McFarland Pro Shop. Councilmember Jordan stated that City Officials are now waiting for approval from TVA.

Councilmember Graham thanked everyone in attendance and those watching by television.

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Councilmember Graham also thanked Lauderdale County Commissioner Rhea Fulmer for her attendance at tonight's meeting.

Councilmember Graham reminded everyone of the District 3 Community meeting on October 29<sup>th</sup> at Broadway Recreation. Councilmember Graham noted that the meeting will begin at 6:00 p.m.

Councilmember Graham commended Mayor Irons, Finance Committee and Department Heads for their hard work on the 2009-2010 General Fund Budget.

Councilmember Morris thanked Ms. Hill and Ms. McFarland for their comments and concerns. Councilmember Morris also thanked Mr. Kimbrell for his comments.

Councilmember Morris congratulated Stewart Cink on his win at the British Open. Councilmember Morris thanked Chris and Patricia Burns for their hard work.

Councilmember Betterton stated that it was an exciting weekend due to UNA's Homecoming activities and football game.

Councilmember Betterton noted that he is working with the committee that is planning "Stewart Cink Day".

Councilmember Betterton made comments regarding the Senior Master Games that are being held at the Florence Coliseum this week. Councilmember Betterton thanked Angie Roberts, Florence Parks & Recreation Department and Cindy Roberts, NACOLG for making this event possible.

Councilmember Betterton made comments regarding the activities being held to recognize National Fire Prevention Month.

Councilmember Pendleton commended Mayor Irons directing the Department Heads to take care of problems and complaints.

Councilmember Pendleton responded to Mr. Kimbrell's comments. Councilmember Pendleton stated that he is afraid of big government if it denies people the right to vote.

Councilmember Pendleton made comments regarding the Health Care Bill. Councilmember Pendleton stated that everyone should read the Bill.

President Barnhart had no comments.

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Councilmember Jordan made a motion to adjourn the meeting. Councilmember Pendleton 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

President Barnhart presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK