

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
January 19, 2010**

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, January 19, 2010. President Barnhart called the meeting to order. City Councilmember Jordan 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.

**AMENDED AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**January 19, 2010**

**5:00 P. M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Jordan
  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 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 January 5, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials, and incidentals necessary to remove and replace the concrete alley between the Southall-Moore House, in the amount of \$9,800.00, to be paid from budgeted funds, sponsored by Todd Nix.
- (d) Resolution authorizing the City to enter into a contract with Bagby Elevator Company, to provide labor, equipment, materials, and incidentals necessary to lockout the Jailhouse elevator at each floor and remove cables in the City of Florence Municipal Building, in the amount of \$5,198.00, to be paid from budgeted funds, sponsored by Gary Williamson.

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- (e) Resolution authorizing the City to enter into a contract with iWorQ Systems, Inc., to provide computer programming for pavement management, work management, signs, sidewalks, fleet maintenance and markings, in the amount of \$7,200.00 per year for a period of three years, to be paid from budgeted funds, sponsored by Bill Batson.
- (f) Resolution authorizing the City to enter into a Real Estate Sales Contract to purchase property located in Lauderdale County in the amount of \$40,000.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (g) Resolution to reappoint James E. Hall II as the Municipal Judge, sponsored by Bill Musgrove.
- (h) Resolution to appoint Robert S. Steen to the Florence Historical Board, sponsored by Sam Pendleton, Dick Jordan, Barry Morris, James Barnhart, Andy Betterton.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to grant a perpetual easement on surplus property located in Lauderdale County to the West Lauderdale Water and Fire Protection Authority, sponsored by Richard Morrissey.

13. General Business:

- (a) Resolution to amend the General Fund Fiscal Year 2010 Budget to move Park Police Salaries and Fringe Benefits from the Park department's budget to the Police department's budget and provide the mechanism to charge this service back to the Park and Recreation departments, sponsored by Mayor Irons and Dan Barger.  
**(Note: Media Director resolution was moved to General Business Item 13 (f))**
- (b) Resolution to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2010 Budget to bring forward the unexpended budgets for incomplete projects at September 30, 2009, sponsored by Mayor Irons and Dan Barger.
- (c) Resolution to amend the Municipal Capital Improvement Fiscal Year 2010 Budget to bring forward the unexpended budgets for incomplete projects at September 30, 2009, sponsored by Mayor Irons and Dan Barger.
- (d) Resolution – Alcohol Beverage License Application for the operation of a Specialty-Menu Restaurant with On-Premises Beer & Wine by WING SHACK OF FLORENCE, LLC, d/b/a the WING SHACK, located at 1265 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (e) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Library Board (Regional)	Drucilla S. Gambrell (Joint)	05/05/98	01/28/10

- (f) Resolution to amend the General Fund Fiscal Year 2010 Budget for the position of Media Director, sponsored by Mayor Irons and Dan Barger.

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

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

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

16. Motion to Adjourn.

Prior to the motion for approval of the agenda, President Barnhart noted that the City Council decided at it's earlier work session to add General Business Item 13 (f) Resolution to approve funding for a Media Director. This resolution was previously General Business Item 13 (a) along with a budget amendment regarding Park Police Salaries and Benefits.

President Barnhart asked for a motion for approval of the amended agenda.

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

Noes: None

**Message from the Mayor:**

Mayor Irons stated that Mr. James Q. Stanphill, Jr. is being re-appointed to the Florence Planning Commission. Mayor Irons noted that his new term is effective immediately and will expire the fourth Monday in June, 2015.

Mayor Irons asked Ms. Rachel Mansell, Recycling Education Co-Ordinator, and Mr. David Koonce, Manger of Solid Waste, Street and Recycling, to come forward and present awards to the winners for the Public Service Announcement Recycling Contest that was held in November, 2009. Mayor Irons also asked Mr. Paul Graham, Urban Forester, to come forward. Mayor Irons noted that Mr. Graham is representing "Keep the Shoals Beautiful" program. Mayor Irons also noted that the Public Service Announcement contest was funded through a "think green" grant from Waste Management awarded to the "Keep the Shoals Beautiful" program as well as the ADEM grant which was awarded to the City of Florence.

Ms. Mansell presented a short video of the winners. The Adult Division Winners were Merrill Gardens, Vince Farrell and Rich Curtis. The Youth Division Winners were Kyle Buffaloe, Chisholm Hill Church of Christ Youth Group, Deshler Middle School, and First Methodist Day School.

Mayor Irons recognized Ms. Alison Stanfield with the Florence/Lauderdale Tourism Office. Ms. Stanfield gave a report on several local articles that were written about Birding Trails and Frank Lloyd Wright that also appeared in national magazines.

Mayor Irons noted that the Hampton Inn & Suites located in downtown Florence has been chosen as a recipient of the company's Lighthouse Award. Mayor Irons also noted that this award is given to the hotel in the chain who is one of the top-performers among their 1,600 Hampton properties. Mayor Irons stated that it is an honor for them and a tribute to their excellent accommodations and service.

Mayor Irons made comments regarding the census count for 2010. Mayor Irons stated that it is very important for everyone to make sure they are counted in the census. Mayor Irons stated that there are many benefits for having an accurate count.

#### **Reports of Department Heads:**

Paul Graham, Urban Forester, on behalf of the Florence Tree Commission, presented the 2009 Annual Report to Mayor Irons. Mr. Graham stated that this report contains information regarding events, projects and activities. Mr. Graham stated that the 2010 Tree Commission Annual Conference will be February 23<sup>rd</sup>.

Dan Barger, Treasurer and Chief General Fund Accountant, made comments regarding the budget resolutions on tonight's agenda. Mr. Barger stated that the resolutions are budget revisions for the current fiscal year. Mr. Barger also stated that the revisions are primarily for un-completed projects.

Mr. Barger made comments regarding General Business Item 13 (a) Resolution to amend the General Fund Fiscal Year 2010 Budget to move Park Police Salaries and Fringe Benefits from the Park Department's budget to the Police Department's budget and provide the mechanism to charge this service back to the Park and Recreation departments, sponsored by Mayor Irons and Dan Barger. Mr. Barger stated that this item is budget neutral with no additional cost to the general fund budget.

Mr. Barger made comments regarding General Business Item 13 (b) Resolution to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2010 Budget to bring forward the unexpended budgets for incomplete projects at September 30, 2009, sponsored by Mayor Irons and Dan Barger. Mr. Barger stated that the in-complete projects include Fire Department garage extension, renovations to Southhall-Moore House, Wilson Park Fountain, grant match for West Florence, East Mobile Street renovations and Veterans Memorial Park.

Mr. Barger made comments regarding General Business Item 13 (c) Resolution to amend the Municipal Capital Improvement Fiscal Year 2010 Budget to bring forward the unexpended budgets for incomplete projects at September 30, 2009, sponsored by Mayor Irons and Dan Barger. Mr. Barger stated that the incomplete projects include the Florence Police Communication Center, Pope's Tavern and Parks & Recreation facilities. Mr. Barger stated that the new project is the Florence/Lauderdale Government Building.

Mr. Barger made comments regarding General Business Item 13 (f) Resolution to amend the General Fund Fiscal Year 2010 Budget for the position of Media Director, sponsored by Mayor Irons and Dan Barger. Mr. Barger stated that Mr. Phillip Stevenson is being compensated for his additional duties as Media Director. Mr. Barger stated that these amendments were approved by the Finance Committee.

Mr. Barger made comments regarding the Tourism Board and lodging tax

Alison Stanfield, Florence/Lauderdale Tourism, invited the Mayor and City Council to attend the "Green Tie" gala on Friday, January 22<sup>nd</sup> at the Conference Center. Ms. Stanfield noted that the event is a fund-raiser for the Shoals Earth Month.

#### **Reports of Standing Committees:**

Councilmember Jordan, Chairperson of the Finance Committee, made comments regarding the committee meeting that was held on January 15, 2010. Councilmember Jordan stated that the purpose of the meeting was to discuss the budget amendment resolutions on tonight's agenda. Councilmember Jordan noted that these items received Finance Committee approval to be forwarded to the City Council for a final vote.

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**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 Morris moved for approval of (a) Approval of minutes of the Regular Meeting on January 5, 2010 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 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

**Regular Agenda:**

City Clerk, Robert M. Leyde, presented an Ordinance to grant a perpetual easement on surplus property located in Lauderdale County to the West Lauderdale Water and Fire Protection Authority, sponsored by Richard Morrissey. Said Ordinance follows, to wit:

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

Noes: None

Councilmember Jordan moved for adoption of the foregoing ordinance. Councilmember Pendleton 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 to amend the General Fund Fiscal Year 2010 Budget to move Park Police Salaries and Fringe Benefits from the Park department's budget to the Police department's budget and provide the mechanism to charge this service back to the Park and Recreation departments, 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 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 resolution. Councilmember Pendleton 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 to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2010 Budget to bring forward the unexpended budgets for incomplete projects at September 30, 2009, sponsored by Mayor Irons and Dan Barger. Said resolution follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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 resolution.

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 to amend the Municipal Capital Improvement Fiscal Year 2010 Budget to bring forward the unexpended budgets for incomplete projects at September 30, 2009, 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 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.  
Hermon T. Graham  
William D. Jordan  
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 a Specialty-Menu Restaurant with On-Premises Beer & Wine by WING SHACK OF FLORENCE, LLC, d/b/a the WING SHACK, located at 1265 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing resolution. 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 resolution.  
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 a Resolution to amend the General Fund Fiscal Year 2010 Budget for the position of Media Director, sponsored by Mayor Irons and Dan Barger. Said Resolution follows, to wit:

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Councilmember Jordan 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 Pendleton moved for adoption of the foregoing resolution.

Councilmember Jordan seconded the motion.

**Discussion:**

Councilmember Jordan stated that he is willing to fund the position for 8 months.

Councilmember Graham stated that the City Council gave Mayor Irons the authority to establish new positions. Councilmember Graham stated that Department Heads will now have a different way to talk to the media.

Councilmember Morris comments follows, to wit:

Councilmember Betterton stated that any discussion or e-mails that he has received, no reference was ever made to a Media Czar. Councilmember Betterton also stated that the institution that Councilmember Morris worked in for many years has this exact same position at a full-time rate of pay.

Councilmember Pendleton made comments regarding the Media Director. Councilmember Pendleton stated that under this Mayor's administration, many services have been consolidated. Councilmember Pendleton also stated that the TimesDaily Newspaper is not the only media. Councilmember Pendleton stated that we should not be bound by what the media says.

Councilmember Jordan stated that this resolution does not create the position of Media Director. Councilmember Jordan stated that this resolution funds the position. Councilmember Jordan stated that it is Mayor Irons decision to hire a Media Director. Councilmember Jordan also stated that even though he does not agree with the position, he will allow Mayor Irons the opportunity to formulate his policies by funding the position.

Councilmember Pendleton stated that Mayor Irons is not limiting the information that the media receives, but he is forming a better channel for information.

Councilmember Morris stated that it is a pattern and practice for all universities to have a media director, but it is not a pattern and practice for cities to have a media director. Councilmember Morris praised Mayor Irons and Mr. Stevenson for their work.

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

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

Noes: Barry Morris

**Board Openings:**

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Library Board (Regional)	Drucilla S. Gambrell (Joint)	05/05/98	01/28/10

President Barnhart noted that at an earlier work session, the City Council nominated Ms. Drucilla S. Gambrell to be re-appointed to the Regional Library Board. President Barnhart stated that this nomination will appear on the next City Council agenda.

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

David Cope, 1750 Eunice Avenue, appeared and made follow-up comments regarding underground springs flowing from the Florence Landfill that have become contaminated. Mr. Cope quoted memos from ADEM regarding significant ground water contamination being detected by the monitoring well system at the Landfill. Mr. Cope stated that contamination is on-going at the Landfill.

Charles Rose, 1206 North Montgomery Avenue, Sheffield, Alabama and President of Shoals Environmental Alliance appeared and made comments regarding the old Florence Landfill. Mr. Rose stated that water samples from the old landfill tested very high contents of iron, manganese and arsenic.

Josh Johnston, 139 North Leland Drive, appeared and made comments regarding the title of Media Director. Mr. Johnston stated that in most facilities, media directors are involved with art work promotions. Mr. Johnson stated that this position should be titled City Spokesperson. Mr. Johnson also stated that the Mayor, City Council and Department Heads are spokespersons for the City of Florence.

Helen Almon, 1033 Royal Avenue, appeared and made comments regarding Cypress Creek. Ms. Almon stated that she loves Cypress Creek and wants to see it clean.

Miles Colcock, 126 Creekside Drive, appeared and made comments regarding the purchase of the Florence Country Club property. Mr. Colcock stated that this is an expensive piece of property to use for a landfill

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in support of the elected leaders in Florence. Mr. Simpson stated that Mayor Irons is a wise leader and will not be controlled.

Mr. Simpson stated that the TimesDaily is making suspicious remarks and innuendos about Mayor Irons.

Carrie K. Harp, 522 Sweetwater Avenue, appeared and made comments in support of the Save Cypress Creek Facebook Group. Ms. Harp stated that she was in agreement with those who spoke tonight regarding Cypress Creek.

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Ms. Harp made comments regarding the Media Director position. Ms. Harp stated that she agreed with Councilmember Morris' comments.

Susan Ruffrage, 1720 Eunice Avenue, appeared and made comments regarding the odor problem caused by the present landfill. Ms. Ruffrage stated that the odor has grown to be a huge problem for the neighborhood. Ms. Ruffrage also stated that the vulture population has also increased.

Scott Ruffrage, 1720 Eunice Avenue, appeared and made comments regarding MASADA. Mr. Ruffrage made comments regarding the "Pay As You Throw" program. Mr. Ruffrage stated that this is a recycling program that addresses the raising cost of garbage by giving the homeowner control. Mr. Ruffrage also stated that two cities in Alabama have implemented this program.

**Council Reports and/or Comments:**

Councilmember Morris' comments follows, to wit:



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Councilmember Betterton congratulated Councilmember Graham on his recovery and for being back with us tonight. Councilmember Betterton stated that he appreciates people making comments and passing on information to him.

Councilmember Betterton made comments regarding recycling. Councilmember Betterton noted that the City of Florence processed 8,300 tons of recycled items last year. Councilmember Betterton stated that we need to continue to move forward and increase our recycling efforts.

Councilmember Pendleton stated he is resigning from the 911 Board effective today. Councilmember Pendleton stated that he did not keep the "Spirit of the Law".

Councilmember Pendleton made comments regarding the Florence/Lauderdale Tourism Board. Councilmember Pendleton stated that the Tourism Board appointments have never been done correctly. Councilmember Pendleton also stated that the Tourism Board has been hi-jacked by Lauderdale County. Councilmember Pendleton stated that none of our appointees have been done properly, nor has the County's. Councilmember Pendleton commended Mr. Dan Barger for his research on the history of the Tourism Board.

Councilmember Jordan congratulated the Recycling Contest winners. Councilmember Jordan noted that his mother and grandson appeared in the videos.

Councilmember Jordan thanked Ms. Ruffage for bringing the odor problem to our attention. Councilmember Jordan stated that MASADA was looked at as an alternative to the landfill expansion. Councilmember Jordan also stated that the City should get out of the landfill business.

Councilmember Graham expressed his appreciation for everyone's concerns. Councilmember Graham stated that everyone's opinions do matter and are seriously considered.

Councilmember Graham noted that the Media Director's job does not include the members of the City Council.

Councilmember announced the District 3 Community meeting at 6:00 p.m. on Thursday, January 28<sup>th</sup> at the Broadway Recreation Center.

Councilmember Graham asked that everyone remember the people in Haiti after the recent earthquake. Councilmember Graham noted that Mr. Stanley Elkins, former owner of Elkins Funeral Home and a beloved citizen of Florence, passed away last week.

Councilmember Graham thanked everyone for their prayers and cards during his illness.

President Barnhart made comments regarding the Tourism Board joint appointment with Lauderdale County. President Barnhart stated that if leadership had been left alone from the City and County three months ago, then this problem would have been resolved.

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Councilmember Pendleton made a motion to adjourn the meeting. 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

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

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