

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
February 2, 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, February 2, 2010. 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

February 2, 2010

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:
 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 19, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Anthony Austin, DBA Austin Fencing, to provide labor, equipment, materials and incidentals necessary to install 1350 linear feet of a six foot high black vinyl fence to run parallel to County Road 2 at the front of the Coffee-O'Neal Sports Complex, in the amount of \$9,549.75, to be paid from budgeted funds, sponsored by Todd Nix.
- (d) Resolution authorizing the Purchasing Agent of the City of Florence to solicit bids pursuant to law for the installation of artificial turf at Braly Municipal Stadium, sponsored by Mayor Irons.

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- (e) Resolution to reappoint Drucilla Grambrell to the Florence-Lauderdale Regional Library Board of Directors, sponsored by the City Council.
- (f) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Resolution to vacate a portion of undeveloped Avondale Avenue and a part of an adjoining alley southeast of Cherry Hill Homes and northeast of the intersection of Avondale Avenue and Colorado Avenue requested by the Florence Housing Authority, sponsored by Bill Musgrove.

13. General Business:

- (a) Resolution to authorize the Mayor, Finance Committee, City Attorney, and City Treasurer to formulate and draft legislation to amend the acts establishing the Florence-Lauderdale Tourism Board and to repeal the Resolution adopted by the City Council on January 5, 2010, proposing that legislation be drafted to dissolve the Florence-Lauderdale Tourism Board and create a City of Florence Tourism Board, sponsored by Sam Pendleton.
- (b) Resolution authorizing the City to implement the original intent of the law establishing the Florence-Lauderdale Tourism Board regarding the appointment and terms of board members thereby changing the expiration date of Jim Bevis' term from September 30, 2010 to July 17, 2010, sponsored by Sam Pendleton.
- (c) Resolution authorizing the City to implement the original intent of the law establishing the Florence-Lauderdale Tourism Board regarding the appointment and terms of board members thereby changing the expiration date of Ernest Haygood's term from September 30, 2010 to July 17, 2010, sponsored by Sam Pendleton.
- (d) Resolution to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2009 – 2010 Budget for the purchase of a new Fire Apparatus - Pumper, sponsored by Public Safety Committee, Mayor Irons, Charles Cochran, Dan Barger.
- (e) Resolution – Alcohol Beverage License Application for the operation of a Specialty-Menu Restaurant with On-Premises Beer & Wine by RICE BOX, INC., d/b/a the RICE BOX, located at 1529 NORTH WOOD AVE., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (f) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
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14. Business from the public (5-minute time limit).

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

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

16. Motion to Adjourn.

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President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Jordan 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 recognized the Florence High School Falcon “Big Blue” Marching Band members as well as the Director, John Brand and his Assistant Directors, Matt Lentz and Deborah Basiner on their recent trip to London, England to participate in the New Year’s Day Parade. Mayor Irons presented them with a Certificate of Appreciation and thanked them for their attendance.

Mayor Irons gave a brief status report on the City’s tax revenue collected for the first quarter of the fiscal year. Mayor Irons stated that tax revenues for December 2009 improved 1.78% over December 2008. Mayor Irons also stated that the total revenue for the quarter declined 0.71% which is \$27,000 in total dollars. Mayor Irons stated that he wants the citizens to know that the City will continue to monitor our expenses very closely in order to maintain our balanced budget.

Reports of Department Heads:

David Koonce, Director of Solid Waste, Street & Recycle, appeared and made comments as follow, to wit:

Paul Graham, Urban Forester, appeared and made comments regarding the Annual Urban Forestry & Horticulture Conference to be held on Tuesday, February 23rd.

Reports of Standing Committees:

Councilmember Pendleton, Chairperson of the Public Safety Committee gave a report of their meeting that was held on January 26, 2010. Councilmember Pendleton noted that the Committee voted 3-0 in favor of the purchase of a new fire truck. Councilmember Pendleton also noted that the other items discussed were the reduction of police cars in this year's budget, neighborhood speed limits and problems regarding Railroad Avenue.

Public Hearings: None

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

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding General Business Item 13 (a) Resolution to authorize the Mayor, Finance Committee, City Attorney, and City Treasurer to formulate and draft legislation to amend the acts establishing the Florence-Lauderdale Tourism Board and to repeal the Resolution adopted by the City Council on January 5, 2010, proposing that legislation be drafted to dissolve the Florence-Lauderdale Tourism Board and create a City of Florence Tourism Board, sponsored by Sam Pendleton. Mr. Crowder questioned who would appoint the three members form the hospitality/hotel industry.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Graham moved for approval of (a) Approval of minutes of the Regular Meeting on January 19, 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 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

Regular Agenda:

City Clerk, Robert M. Leyde, presented a Resolution to vacate a portion of undeveloped Avondale Avenue and a part of an adjoining alley southeast of Cherry Hill Homes and northeast of the intersection of Avondale Avenue and Colorado Avenue requested by the Florence Housing Authority, sponsored by Bill Musgrove. 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 Graham 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 authorize the Mayor, Finance Committee, City Attorney, and City Treasurer to formulate and draft legislation to amend the acts establishing the Florence-Lauderdale Tourism Board and to repeal the Resolution adopted by the City Council on January 5, 2010, proposing that legislation be drafted to dissolve the Florence-Lauderdale Tourism Board and create a City of Florence Tourism Board, sponsored by Sam Pendleton. 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 Pendleton made comments in support of the resolution. Councilmember Pendleton stated that the Board appointment expiration dates are not correct. Councilmember Pendleton also stated that this act is also to encourage input from Lauderdale County, City of Florence, Hotels, Hospitalities and the surrounding communities. Councilmember Pendleton stated that this act will also put more eyes on the Board and also set time limits on Board appointments.

Councilmember Morris made comments in support of the resolution. Councilmember Morris stated that this resolution may take the politics out of the Boards.

Councilmember Betterton made comments in support of the resolution. Councilmember Betterton stated that this resolution is an attempt to grow Tourism, not control Tourism.

Councilmember Jordan made comments in support of the resolution. Councilmember Jordan stated that the Tourism Board was formed in 1986 with a zero budget and now the Board has a one million dollar budget. Councilmember Jordan also stated that when something works well, we can make it even better.

Councilmember Pendleton stated that the Tourism Board should be improving relationships with the service industry.

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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 authorizing the City to implement the original intent of the law establishing the Florence-Lauderdale Tourism Board regarding the appointment and terms of board members thereby changing the expiration date of Jim Bevis' term from September 30, 2010 to July 17, 2010, sponsored by Sam Pendleton. Said Resolution follow, 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 Betterton asked, "Do we need to check all other committee appointments regarding their expiration dates?"

Councilmember Pendleton stated that the City Council should look at the expiration dates of other committee appointments. Councilmember Pendleton also stated that four years is actually 1,461 days. Councilmember Pendleton stated that regardless of what month the appointment was made, the expiration date has always been September 30th.

President Barnhart stated that he could not vote in favor of the resolution because he does not know what is the original intent of the law. President Barnhart also stated that the Lauderdale County Commission is seeking the Attorney General's Opinion and that he would abide by the opinion.

Councilmember Graham stated that the Attorney General's Opinion would be the final say.

Councilmember Pendleton stated that the purpose of this resolution is to correct the City Council minutes by correcting the expiration dates.

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President Barnhart stated that the resolution does not state the correction of minutes.

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 authorizing the City to implement the original intent of the law establishing the Florence-Lauderdale Tourism Board regarding the appointment and terms of board members thereby changing the expiration date of Ernest Haygood's term from September 30, 2010 to July 17, 2010, sponsored by Sam Pendleton. Said Resolution follows, to wit:

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Councilmember Morris 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 Morris seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the resolution. Councilmember Pendleton stated that according to the expiration date, Mr. Haygood will serve more than four years.

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

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

Noes: Hermon T. Graham
James H Barnhart

City Clerk, Robert M. Leyde, presented a Resolution to amend the 1995 One Cent Sales Tax Capital Fund Fiscal Year 2009 – 2010 Budget for the purchase of a new Fire Apparatus - Pumper, sponsored by Public Safety Committee, Mayor Irons, Charles Cochran, 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 Pendleton moved for adoption of the foregoing resolution.

Councilmember Betterton seconded the motion.

Discussion:

Councilmember Morris asked, "Is this purchase replacing a reserve truck or a surplus truck and is this purchase necessary at this time?"

Councilmember Graham stated that this is replacing a reserve truck that is in poor condition and a new truck is needed. Councilmember Graham also stated that the reserve truck has a bad transmission and a bad pump. Councilmember Graham stated that we should not sacrifice the safety of our citizens or our employees at the Fire Department.

Councilmember Jordan stated that he is in favor of the purchase, but has requested since the new fire truck will not arrive until 2011 that we set aside half of the money in this year's budget and half in the 2011 budget.

Councilmember Morris stated that after his conversation with Chief Cochran, he understood that the surplus truck has not sold yet and that the Fire Department has no intentions of using this surplus truck.

President Barnhart stated that we need to spend what we need to in order to protect our citizens.

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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

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 RICE BOX, INC., d/b/a the RICE BOX, located at 1529 NORTH WOOD AVE., FLORENCE, AL 35630, sponsored by Robert M. Leyde. 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 Jordan seconded the motion.

Discussion:

Councilmember Pendleton made positive comments regarding Rice Box and the recent upgrades to the Seven Points Shopping Center.

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:

(f) Board Openings within the next 90 days or less: None

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

Mr. John Crowder, 421 Nottingham Road, appeared and made comments in opposition to the expansion of the landfill. Mr. Crowder stated that there are industrial contaminants found in the monitoring wells at the current landfill.

Mr. Charles Rose, 1206 North Montgomery Avenue, Sheffield, Alabama and President of Shoals Environmental Alliance appeared and made comments regarding the TimesDaily article about industrial contaminants and the LAI Engineering report.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made general comments.

Mr. Miles Colcock, 126 Creekside Drive, appeared and made comments in opposition to the expansion of the landfill.

Mr. Scott Ruffrage, 1720 Eunice Avenue, appeared and made comments in opposition to the expansion of the landfill.

Mr. Ricky Curtis, Cypress Bend Place, appeared and made comments regarding the costs of operating a landfill.

Council Reports and/or Comments:

Councilmember Betterton made positive comments regarding Lauderdale County getting into recycling. Councilmember Betterton thanked Mr. David Koonce and staff for assisting the County with this project.

Councilmember Betterton thanked the Florence Falcons Band Members for their attendance at tonight's meeting and congratulated them on their recent trip to London, England.

Councilmember Betterton made comments regarding several local physicians who spoke at today's work session regarding the sale of ECM Hospital.

Councilmember Betterton thanked Mayor Irons, City Engineer Bill Batson, and Chief Singleton for their concerns regarding speed reduction in neighborhoods.

Councilmember Pendleton made comments regarding ECM Hospital. Councilmember Pendleton stated that he is going to abide by and support the recommendations of the Hospital Board.

Councilmember Pendleton made comments about Probate Judge Dewey Mitchell. Councilmember Pendleton stated that Judge Mitchell should not take sides in public.

Councilmember Jordan made comments regarding the Florence Falcons Band. Councilmember Jordan stated that he appreciates all of their hard work.

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Councilmember Jordan made comments regarding the expansion of the landfill and LAI Engineering Group. Councilmember Jordan states that he supports having a public meeting with LAI Engineering so the citizens can attend and ask questions regarding the expansion.

Councilmember Graham thanked everyone who attended tonight's meeting and those watching by television. Councilmember Graham also thanked the Florence Falcon Band for their achievements.

Councilmember Graham made comments regarding the District 3 Community meeting that was held last week.

Councilmember Morris expressed his appreciation to Mr. Jerome Gafford and the Florence Falcon Band.

Councilmember Morris congratulated Mayor Irons and Department Heads for operating within the budget.

Councilmember Morris made comments regarding the expansion of the landfill. Councilmember Morris stated that since we now have the reports from LAI Engineering Group, we should make this information available to everyone. Councilmember Morris also stated costs are high at a regional landfill and a transfer station.

President Barnhart made comments regarding Florence/Lauderdale Tourism's concerns over the inability to appoint a "joint appointee".

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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

Councilmember Morris presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK