

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
MARCH 23, 2010  
YOUTH -IN- GOVERNMENT DAY**

The regular meeting of the City Council of the City of Florence, Alabama, was held in the City Hall Auditorium in Florence at 10:00 a.m., on Tuesday, March 23, 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**

**March 23, 2010**

**10:00 A. M.**

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1. Meeting called to order - President Barnhart
  2. Invocation -
  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) Public Hearing for a 10 acre tract on County Road 47, North of Blackberry Trail Golf Course, (Blackberry Village) to be rezoned from R-2 (Single-Family Residential Districts/Small Lots) to R-1 (Single-Family Residential District) as requested by the Florence Planning Commission.
  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 March 2, 2010 and Special Called Meetings held on February 23, March 10, and March 11, 2010.
- (b) Confirm payment of bills by the City Treasurer.

- (c) Resolution authorizing the City to enter into a contract with G & G, Inc., to provide labor, equipment, materials and incidentals necessary to remove underbrush, small trees and a dilapidated structure on the corner of College Terrace and Clearwater Street, in the amount of \$4,500.00, to be paid from budgeted funds, sponsored by Sam Pendleton.
- (d) Resolution authorizing the City to enter into a contract with White, Lynn, Collins and Associates, Inc., to perform professional engineering services to prepare a National Pollutant Discharge Elimination System Phase II Permit, Notice of Intent and Stormwater Management Plan for the City, in the amount of \$27,100.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (e) Resolution authorizing the City to enter into a contract with Chris Burns, to conduct a Junior Golf Clinic at Parks and Recreation facilities, in the amount of 80% of the fees collected, sponsored by Todd Nix.
- (f) Resolution authorizing the City to enter into a contract with Delta Fountains, Inc., to provide labor, equipment, materials and incidentals necessary to start up the River Heritage Fountain and install parts already on site, in the amount of \$6,450.00, to be paid from budgeted funds, sponsored by Todd Nix.
- (g) Resolution authorizing the City to enter into a contract with PTSG, Inc., to provide labor, equipment, materials and incidentals necessary to install an automated fuel control system for General Fund Departments, in the amount of \$37,675.00, to be paid from budgeted funds, sponsored by David Koonce.
- (h) Resolution authorizing the City to enter into a contract with Mark Henderson, DBA Henderson Roofing, to provide labor, equipment, materials and incidentals necessary to remove and replace the roof at the Karsner House, in the amount of \$7,182.00, to be paid from budgeted funds, sponsored by Gary Williamson.
- (i) Resolution authorizing the City to enter into a contract with Garnet Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Wilson Lake Water Treatment Plant Generator Additions, in the amount of \$397,260.00, to be paid from budgeted funds, sponsored by Mike Doyle. **(This item was moved to Regular Agenda Item 12 (c))**
- (j) Resolution to appropriate an amount not to exceed \$38,000.00 from the City's Liability Insurance Fund to settle the lawsuit filed against the City by Beverly Perkins, sponsored by Bill Musgrove.
- (k) Resolution to appropriate funds to the Kennedy-Douglass Volunteers, Inc., to conduct the Arts Alive Festival to be held in Wilson Park in May 2010, in the amount of \$1,500.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (l) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to rezone a 10 acre tract on County Road 47, North of Blackberry Trail Golf Course, (Blackberry Village) to be rezoned from R-2 (Single-Family Residential Districts/Small Lots) to R-1 (Single-Family Residential District) as requested by the Florence Planning Commission, sponsored by Melissa Bailey.

(b) Resolution to vacate a portion of Elm Street, sponsored by Bill Musgrove.

(c) Resolution authorizing the City to enter into a contract with Garnet Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Wilson Lake Water Treatment Plant Generator Additions, in the amount of \$397,260.00, to be paid from budgeted funds, sponsored by Mike Doyle. **(This item was moved from Consent Agenda Item 11 (i))**

13. General Business:

(a) Resolution – Alcohol Beverage License Application for the operation of a Drug Store with Off-Premises Beer & Wine by WALGREEN CORPORATION, DBA WALGREENS #10109, located at 109 EAST DOCTOR HICKS BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

(b) Resolution – Alcohol Beverage License Application for the operation of a Drug Store with Off Premises Beer & Wine by WALGREEN CORPORATION, DBA WALGREENS #10628, located at 2602 FLORENCE BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Civil Service Board	Howard Robinson	12/06/05	04/10
	Thomas Darby	04/19/05	04/10

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work session, it was decided to move Consent Agenda Item 11(i) Resolution authorizing the City to enter into a contract with Garnet Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Wilson Lake Water Treatment Plant Generator Additions, in the amount of \$397,260.00, to be paid from budgeted funds, sponsored by Mike Doyle, to Regular Agenda Item 12 (c).

President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Graham seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

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

Noes: None

**Message from the Mayor:**

Mayor Irons reminded everyone of the City-Wide Cleanup Day on Saturday, April 10<sup>th</sup>. Mayor Irons stated that volunteers should meet at the Florence/Lauderdale Coliseum at 8:00 a.m. Mayor Irons also stated that vests and bags will be provided for all volunteers and he encouraged everyone that can to participate.

Mayor Irons also reminded everyone to be sure and complete your Census Forms. Mayor Irons stated that the forms are being mailed out this month. Mayor Irons noted that it is very important that every person be counted.

**Reports of Department Heads:** None

**Reports of Standing Committees:** None

**Public Hearings:**

President Barnhart noted that this was the time and date, as advertised, for a public hearing regarding the proposed rezoning of a 10 acre tract on County Road 47, North of Blackberry Trail Golf Course, (Blackberry Village) to be rezoned from R-2 (Single-Family Residential Districts/Small Lots) to R-1 (Single-Family Residential District) as requested by the Florence Planning Commission.

Melissa Bailey, Planning Director, noted that the Florence Planning Commission is in agreement with the proposed rezoning.

Councilmember Betterton asked about large trees growing next to the fence along Clubhouse Drive? Councilmember Betterton asked if the trees can be removed?

Ms. Bailey stated that there are a lot of different avenues that the City can take to remove the trees.

Councilmember Pendleton made comments regarding the large trees.

Ms. Bailey stated that we must first establish ownership of the trees then we can decide what action needs to be taken.

There were no public comments.

**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 Graham moved for approval of (a) Approval of minutes of the Regular Meeting held on March 2, 2010 and Special Called Meetings held on February 23, March 10, and March 11, 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 an Ordinance to rezone a 10 acre tract on County Road 47, North of Blackberry Trail Golf Course, (Blackberry Village) to be rezoned from R-2 (Single-Family Residential Districts/Small Lots) to R-1 (Single-Family Residential District) as requested by the Florence Planning Commission, sponsored by Melissa Bailey. 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 Jordan moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

**Discussion:**

Councilmember Morris made comments regarding the rezoning. Councilmember Morris stated that the previous rezoning of this property should never have been considered.

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

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

Noes: None

Abstain: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution to vacate a portion of Elm Street, sponsored by Bill Musgrove. Said Resolution follows, to wit:



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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 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 authorizing the City to enter into a contract with Garnet Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for the Wilson Lake Water Treatment Plant Generator Additions, in the amount of \$397,260.00, to be paid from budgeted funds, sponsored by Mike Doyle. Said Resolution follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing resolution. Councilmember Jordan 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 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

Noes: None

Abstain: Andrew Betterton

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Drug Store with Off-Premises Beer & Wine by WALGREEN CORPORATION, DBA WALGREENS #10109, located at 109 EAST DOCTOR HICKS BOULEVARD, 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 Jordan 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 Betterton moved for adoption of the foregoing resolution.  
Councilmember Pendleton seconded the motion.

**Discussion:**

Councilmember Jordan asked City Clerk, Robert M. Leyde, to explain the procedures for applying for an alcohol beverage license.

Mr. Leyde explain the process of applying for an alcohol beverage license.

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 – Alcohol Beverage License Application for the operation of a Drug Store with Off Premises Beer & Wine by WALGREEN CORPORATION, DBA WALGREENS #10628, located at 2602 FLORENCE BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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Councilmember Graham 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 Betterton 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

**Board Openings:**

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Civil Service Board	Howard Robinson	12/06/05	04/10
	Thomas Darby	04/19/05	04/10

**Business from the Public (5-minute time limit):** None

**Council Reports and/or Comments:**

Councilmember Graham welcomed the students from Florence High School.

Councilmember Morris made comments regarding moving Consent Agenda Item 11(i) to the Regular Agenda Item 12 (c). Councilmember Morris noted that documents pertaining to the Consent Agenda and Regular Agenda items are given to the City Council weeks prior to the City Council meeting.

Councilmember Betterton publicly applauded Mr. Chris Burns who was recently named "Shoals Citizen of the Year".

Councilmember Betterton noted that the Public Safety Committee is still looking at speed limits in residential neighborhoods. Councilmember Betterton also noted that there are on-going discussions of our many appointed boards regarding term limits, expiration of terms and attendance records.

Councilmember Pendleton recognized his Florence High School counterpart, Mr. Eddie Adame and also fellow church member Ms. Jasmine Johnson.

Councilmember Pendleton encouraged parents to enroll their children in the Junior Golf Program which is being taught by Mr. Chris Burns.

Councilmember Jordan thanked the Florence Exchange Club for providing lunch today. Councilmember Jordan also congratulated Mayor Irons for being a great-grandfather again.

President Barnhart made comments regarding the American Planning Association award that the City recently received for the West Florence Plan.

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Councilmember Betterton made a motion to adjourn the meeting. Councilmember Graham seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

Community Service Director, Mr. Todd Nix presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK