

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
May 25, 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, May 25, 2010. President Barnhart called the meeting to order. City Councilmember Pendleton 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

May 25, 2010

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Pendleton
 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) Alcohol Beverage License Application for the operation of a Premium Cigar Shop with On-Premises Liquor, Beer & Wine by TRULY CIGARS OF ALABAMA, INC., d/b/a TRULY CIGARS, located at 366-C COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde
 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 May 4, 2010.
 - (b) Confirm payment of bills by the City Treasurer.
 - (c) Resolution authorizing the City to enter into a contract with Commercial & Industrial Renovators, Inc., to provide labor, equipment, materials and incidentals necessary to perform repairs and paint the foyer and hall in the Kennedy/Douglass Center Annex, in the amount of \$2,725.00, to be paid from budgeted funds, sponsored by Todd Nix.

- (d) Resolution authorizing the City to enter into a contract with GEL Geophysics, LLC, to provide professional services to investigate and provide information on well construction details and to conduct a detailed structural characterization of the bedrock to evaluate potential pathways for contaminant migration at the City of Florence Sanitary Landfill, in the amount of \$5,700.00, to be paid from budgeted funds, sponsored by David Koonce.
- (e) Resolution authorizing the City to enter into a contract with Screenvision Direct, Inc., to provide advertising for the Florence Recycling Center in the amount of \$7,800.00, to be paid from ARF 006 grant funds, sponsored by David Koonce.
- (f) Resolution authorizing the City to enter into a contract with The Lamar Companies to provide advertising for the Florence Recycling Center in the amount of \$8,614.00, to be paid from ARF 006 grant funds, sponsored by David Koonce.
- (g) Resolution authorizing the City to enter into a contract with The Lamar Companies to provide advertising for the Florence Recycling Center in the amount of \$3,675.00, to be paid from ARF 006 grant funds, sponsored by David Koonce.
- (h) Resolution authorizing the City to enter into a contract with The Lamar Companies to provide advertising for the Florence Recycling Center in the amount of \$1,400.00, to be paid from ARF 006 grant funds, sponsored by David Koonce.
- (i) Resolution authorizing the City to approve a Reimbursable Agreement for Relocation of Utility Facilities with the Alabama Department of Transportation for the relocation of natural gas lines in conjunction with the Hermitage Drive bridge replacement project, sponsored by Mike Doyle.
- (j) Resolution authorizing the City to enter into an Agreement for Engineering Services by Consultant on Utility Projects with Garver, LLC, for the relocation of natural gas lines in conjunction with the Hermitage Drive bridge replacement project, to be reimbursed 100% by ALDOT, sponsored by Mike Doyle.
- (k) Resolution authorizing the City to approve a Reimbursable Agreement for Relocation of Utility Facilities with the Alabama Department of Transportation for the relocation of water/wastewater facilities in conjunction with the Hermitage Drive bridge replacement project, sponsored by Mike Doyle.
- (l) Resolution authorizing the City to enter into an Agreement for Engineering Services by Consultant on Utility Projects with Garver, LLC, for the relocation of water/wastewater facilities in conjunction with the Hermitage Drive bridge replacement project, estimated funds of \$160,070.64 for betterment to be paid from budgeted funds, sponsored by Mike Doyle.
- (m) Resolution authorizing the City to enter into an Agreement with White, Lynn, Collins and Associates, to provide engineering services for the College Street Extension Project, in the amount of \$485,000.00, sponsored by Bill Batson.
- (n) Resolution authorizing the City to enter into a contract with West to provide Code of Alabama updates and replacement volumes and computer legal research services in the annual amount of \$5,432.00, to be paid from budgeted funds, sponsored by Bill Musgrove.
- (o) Resolution authorizing the City to enter into a Moorage Lease with the Florence Harbor Marina, sponsored by Charlie Cochran.
- (p) Resolution authorizing the City to enter into a Contract with the American Wind Symphony Orchestra, in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council. **(This item was removed at the earlier work session)**
- (q) Resolution authorizing the City to appropriate \$10,000.00 to the Muscle Shoals National Heritage Area, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.

- (r) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

13. General Business:

- (a) Resolution to revise and amend the General Fund Fiscal Year 2009 – 2010 Budget adopted on October 6, 2009 to provide \$10,800.00 from the Budget Surplus for the Federal Emergency Management Agency (FEMA) Grant 2009 Assistance to Firefighters Grant, sponsored by Mayor Irons and Dan Barger.
- (b) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by DOMINGO JAVIER OCHOA, d/b/a CANCUN MEXICAN RESTAURANT AND CANTINA, located at 212 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (c) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by HE XIN INC., d/b/a UMI JAPANESE STEAK HOUSE, located at 201 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (d) Resolution – Alcohol Beverage License Application for the operation of a Premium Cigar Shop with On-Premises Liquor, Beer & Wine by TRULY CIGARS OF ALABAMA, INC., d/b/a TRULY CIGARS, located at 366-C COX CREEK PARKWAY, 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>
Zoning Adjustments	Kevin Mullins	07/07/09	05/17/10
	Sandy Noland	08/21/07	05/17/10

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 Pendleton
 Councilmember Barnhart

16. Motion to Adjourn.

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 introduced Mr. Jamar Sullen with the Lauderdale County Health Department. Mr. Sullen presented the City Council with a certificate of appreciation for approving a no-smoking ban in the City of Florence.

Mayor Irons recognized the Mars Hill Bible School Varsity Baseball Team for winning the State Championship in Division 2 High School Baseball. Mayor Irons also recognized the Shoals Christian School Golf Team for winning the State Championship for Division 1 A-2 A and the Shoals Christian School Baseball Team for winning the State Championship in Division 1-A .

Mayor Irons reminded everyone of “Music In The Park” each Wednesday from 11:00 a.m. until 1:00 p.m. during the months of May and June in Wilson Park.

Mayor Irons noted that Saturday, May 29th is “Kids Fest” 2010 at the Cox Creek Park. Mayor Irons also noted that this event is free to the public and it is for kids of all ages.

Mayor Irons gave an up-date regarding activities and participation at the Sports Complex. Mayor Irons stated that 1,500 people have registered to participate in sports activities this season. Mayor Irons also stated that the Sports Complex has scheduled seven tournaments for this year.

Reports of Department Heads: None

Reports of Standing Committees: None

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Public Hearings:

President Barnhart noted that this is the date and time, as advertised, for a public hearing regarding the proposed Alcohol Beverage License Application for the operation of a Premium Cigar Shop with On-Premises Liquor, Beer & Wine by TRULY CIGARS OF ALABAMA, INC., d/b/a TRULY CIGARS, located at 366-C COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

Robert M. Leyde, City Clerk, gave an overview of the proposed application.

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

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 on May 4, 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 revise and amend the General Fund Fiscal Year 2009 – 2010 Budget adopted on October 6, 2009 to provide \$10,800.00 from the Budget Surplus for the Federal Emergency Management Agency (FEMA) Grant 2009 Assistance to Firefighters Grant, 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 Jordan 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 Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by DOMINGO JAVIER OCHOA, d/b/a CANCUN MEXICAN RESTAURANT AND CANTINA, located at 212 COX CREEK PARKWAY, 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 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 Jordan 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 Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by HE XIN INC., d/b/a UMI JAPANESE STEAK HOUSE, located at 201 COX CREEK PARKWAY, 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 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 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.
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 Premium Cigar Shop with On-Premises Liquor, Beer & Wine by TRULY CIGARS OF ALABAMA, INC., d/b/a TRULY CIGARS, located at 366-C COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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

Noes: None

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Zoning Adjustments	Kevin Mullins	07/07/09	05/17/10
	Sandy Noland	08/21/07	05/17/10

President Barnhart noted that Mr. Mullins and Ms. Noland were re-nominated at today's work session and the nominations will be on the next City Council meeting agenda for approval.

President Barnhart also noted that the City Council is in agreement with the Lauderdale County Commission on their recommendation of Ms. Sandra Killen Burroughs for the joint appointment to the Florence/Lauderdale Tourism Board. President Barnhart noted that Ms. Killen's nomination will also be on the next City Council meeting agenda for approval.

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

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding children's safety during summer vacation. Mr. Simpson expressed his appreciation to the City for providing safe activities for children.

Council Reports and/or Comments:

Councilmember Jordan congratulated the baseball and golf teams in attendance tonight.

Councilmember Jordan made comments regarding the new campaign, "Take 25", sponsored by the Cramer's Children Center. Councilmember Jordan stated that this campaign involves children's safety.

Councilmember Jordan made comments regarding Consent Agenda Item 11 (d) Resolution authorizing the City to enter into a contract with GEL Geophysics, LLC, to provide professional services to investigate and provide information on well construction details and to conduct a detailed structural characterization of the bedrock to evaluate potential pathways for contaminant migration at the City of Florence Sanitary Landfill, in the amount of \$5,700.00, to be paid from budgeted funds, sponsored by David Koonce. Councilmember Jordan stated that Mr. Koonce attended the earlier work session and assured the City Council that this test is not because of any contamination caused by the Landfill.

Councilmember Graham congratulated the golf and baseball teams for their victories. Councilmember Graham also commended the Parks & Recreation Department on their handling of the baseball tournament this past weekend at the Sports Complex.

Councilmember Morris made comments regarding the "Take 25" Campaign sponsored by the Cramer's Children Center. Councilmember Morris stated that the Cramer Center performs such a valuable service to our area.

Councilmember Morris made comments regarding the joint appointment to the Florence/Lauderdale Tourism Board. Councilmember Morris stated that now it is time to expand the Tourism Board.

Councilmember Betterton congratulated the golf and baseball teams in attendance tonight.

Councilmember Betterton noted that Florence High School graduating seniors received \$9,000,000.00 in scholarships and the graduation rate is now 81%.

Councilmember Pendleton welcomed Reverend Lamont Liner, Mr. Dave Smith and Dr. Carla Rowell to tonight's meeting.

Councilmember Pendleton congratulated the teams in attendance tonight.

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Councilmember Pendleton made comments regarding the approval of the engineering contract for the West College Street bridge. Councilmember Pendleton stated that he is very pleased with the efforts so far to clean up West Florence.

President Barnhart congratulated the teams in attendance tonight.

Councilmember made Pendleton 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 Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

