

**CITY OF FLORENCE**  
**MINUTES OF CITY COUNCIL**  
**November 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, November 2, 2010. President Barnhart called the meeting to order. Dr. Kenny Barfield 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**

**November 2, 2010**

**5:00 P.M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Dr. Kenny Barfield
  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 October 19, 2010. **(Moved to Regular Agenda Item 12 (c))**
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a Personal Services Contract with James Gregory to provide entertainment on May 28, 2011, in the amount of \$10,000.00 plus three hotel rooms and quality sound and lighting, to be paid from budgeted funds, sponsored by Todd Nix. **(Remove as requested by the sponsor)**
- (d) Resolution authorizing the City to enter into a Water Purchase Contract with Chisholm Heights Water and Fire Protection Authority , sponsored by Mike Doyle.

- (e) Resolution authorizing the city to enter into a contract with Irons Electric Company, Inc., to provide labor, materials and incidentals necessary to provide electrical work for all required devices and circuitry needed for computer stations, printers, appliances, convenience outlets and data raceways for the renovations to the Utilities drive through window area, in an amount not to exceed \$2,400.00, to be paid from budgeted funds, sponsored by Vance Young. **(This item was moved to Regular Agenda, Item 12 (b))**
- (f) Resolution authorizing the City to enter into a contract with Commercial Millwork & Specialty Company, Inc., to provide labor, materials, and incidentals necessary to install new counter tops, under counter panels and wood cabinets in the Utilities drive through window area, in an amount not to exceed \$3,469.15, to be paid from budgeted funds, sponsored by Vance Young.
- (g) Resolution authorizing the City to enter into a contract with Gist Excavating, Inc., to provide labor, materials, and incidentals necessary to demolish the old Church building and dispose of all debris at 802 Kinnard Street, in the amount of \$6,800.00, to be paid from budgeted funds, sponsored by Gary Williamson.
- (h) Resolution authorizing the City to enter into a contract with L. W. Fritts Construction Company, Inc., to provide labor, materials, and incidentals necessary for storm drainage improvements near 625 Rickwood Road, in the amount of \$15,800.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (i) Resolution authorizing the City to enter into a contract with Parallax Building Systems, Inc., to provide labor, materials, and incidentals necessary for storm drainage improvements to the 1374 James Street area, in the amount of \$25,500.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (j) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, materials, and incidentals necessary for storm drainage improvements to the Hermitage Commons Pond, in the amount of \$4,250.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (k) Resolution authorizing the City to enter into a contract with Parallax Building Systems, Inc., to provide labor, materials, and incidentals necessary for storm drainage improvements to the 525 East Rasch Road area, in the amount of \$21,000.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (l) Resolution to reappoint Rusty Carbine to the Industrial Development Board.
- (m) Resolution to reappoint John Van Sandt to the Industrial Development Board.
- (n) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.
- (o) Resolution to approve a Special Deferred Handicap Accessibility Repair Loan to Porter H. Anderson in the amount of \$15,000.00 for repairs to his property located at 606 East Reeder Street, sponsored by Phil Stevenson.

12. Regular Agenda:

- (a) Ordinance to lease Suite 530 in the Florence-Lauderdale Government Building located at 102 S. Court Street, Florence, AL to Garver, LLC., for a term of one year commencing on November 1, 2010 and ending on October 30, 2011, in the amount of \$10,800.00, sponsored by Dan Barger.
- (b) Resolution authorizing the city to enter into a contract with Irons Electric Company, Inc., to provide labor, materials and incidentals necessary to provide electrical work for all required devices and circuitry needed for computer stations, printers, appliances, convenience outlets and data raceways for the renovations to the Utilities drive through window area, in an amount not to exceed \$2,400.00, to be paid from budgeted funds, sponsored by Vance Young. **(This item was moved from Consent Agenda Item, 11 (e))**

- (c) Approval of minutes of the Regular Meeting held on October 19, 2010. **(This item was moved from Consent Agenda Item 11 (a))**

13. General Business:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Adjustments & Appeals	E. B. Norton	09/06/05	09/30/10
	Jason B. Lentz	09/06/05	09/30/10
Agri-Business Center	Leonard Skipworth (Joint)	06/03/08	11/15/10
Beautification Board	Vacancy		
	Eva Scull	05/20/08	11/01/10
	Ashley Winkle	08/05/08	11/01/10
	Delores Hubbert	07/17/01	11/01/10
	Gloria Tackett	10/21/08	11/01/10
Parks & Recreation	James H. Morris	09/20/05	10/30/10
Scope 310	Vacancy	07/21/92	07/21/10
SEDA	J. Tyndal Davis	09/04/01	09/30/10
	Brad Holmes	09/20/05	09/30/10
Tree Commission	Carolyn Waterman	01/15/08	11/03/10
	E. Bryan Miller	08/21/07	11/03/10

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.

Prior to the approval of the agenda, President Barnhart noted that the City Council decided at it's earlier work session to moved Consent Agenda Item 11 (c) Resolution authorizing the city to enter into a contract with Irons Electric Company, Inc., to provide labor, materials and incidentals necessary to provide electrical work for all required devices and circuitry needed for computer stations, printers, appliances, convenience outlets and data raceways for the renovations to the Utilities drive through window area, in an amount not to exceed \$2,400.00, to be paid from budgeted funds, sponsored by Vance Young to Regular Agenda Item 12 (b), move Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on October 19, 2010 to Regular Agenda Item 12 (c) and to withdraw Consent Agenda Item 11 (c) as requested by the sponsor.

President Barnhart asked for a motion for approval of the amended 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 recognized the Show Choir from Mars Hill Bible School and noted that they were featured as one of the top four show choirs across the nation to participate in a contest sponsored by the Today's Show.

Mayor Irons reminded everyone that the 2010 State of the City program is scheduled for Tuesday evening, November 9<sup>th</sup> at the Florence-Lauderdale Coliseum.

Mayor Irons gave an economic update. Mayor Irons' comments follow, to wit:

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**Reports of Department Heads:**

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

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**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 Graham moved for approval of 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 lease Suite 530 in the Florence-Lauderdale Government Building located at 102 S. Court Street, Florence, AL to Garver, LLC., for a term of one year commencing on November 1, 2010 and ending on October 30, 2011, in the amount of \$10,800.00, sponsored by Dan Barger. Said Ordinance follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing ordinance.

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 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 a Resolution authorizing the city to enter into a contract with Irons Electric Company, Inc., to provide labor, materials and incidentals necessary to provide electrical work for all required devices and circuitry needed for computer stations, printers, appliances, convenience outlets and data raceways for the renovations to the Utilities drive through window area, in an amount not to exceed \$2,400.00, to be paid from budgeted funds, sponsored by Vance Young. Said Resolution follows, to wit:



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Councilmember Jordan 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 Jordan moved for adoption of the foregoing resolution. Councilmember Graham seconded the motion.

**Discussion:**

Councilmember Betterton noted that he is abstaining from voting on the foregoing resolution.

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

Noes: None

Abstain: Andrew Betterton

City Clerk, Robert M. Leyde, presented a Resolution for the Approval of minutes of the Regular Meeting held on October 19, 2010. **(This item was moved from Consent Agenda Item 11**

**(a)** Said Resolution follows, to wit:

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

**Discussion:**

Councilmember Pendleton made comments regarding the City Council minutes in 2004 in which the City Council gave the Mayor the authority to hire and terminate Department Heads. Councilmember Pendleton stated that there has been confusion regarding the Mayor's authority. Councilmember Pendleton stated that this authority has been misinterpreted and the City Council did not give the Mayor blanket authority. Councilmember Pendleton stated that he wanted to correct his statement from 2004 where he stated the Code of Alabama and he should have stated the Code of Florence, Alabama. Councilmember Pendleton also stated that the power and authority lies with the City Council and not the Mayor.

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:**

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Adjustments & Appeals	E. B. Norton	09/06/05	09/30/10
	Jason B. Lentz	09/06/05	09/30/10
Agri-Business Center	Leonard Skipworth (Joint)	06/03/08	11/15/10
Beautification Board	Vacancy		
	Eva Scull	05/20/08	11/01/10
	Ashley Winkle	08/05/08	11/01/10
	Delores Hubbert	07/17/01	11/01/10
	Gloria Tackett	10/21/08	11/01/10
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SEDA	J. Tyndal Davis	09/04/01	09/30/10
	Brad Holmes	09/20/05	09/30/10
Tree Commission	Carolyn Waterman	01/15/08	11/03/10
	E. Bryan Miller	08/21/07	11/03/10

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

**Council Reports and/or Comments:**

Councilmember Jordan congratulated the Show Choir from Mars Hill Bible School.

Councilmember Graham reminded everyone of the District 3 Community meeting to be held on Thursday, November 4<sup>th</sup> at 6:00 p.m. at the Broadway Recreation Center.

Councilmember Graham also congratulated the Show Choir from Mars Hill Bible School.

Councilmember Morris also congratulated the Show Choir from Mars Hill Bible School.

Councilmember Morris made comments regarding the recent District 4 Community meeting. Councilmember Morris stated that it was a very good meeting and that he will have another meeting in the Spring.

Councilmember Morris comments follow, to wit:

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Councilmember Betterton commended the Show Choir from Mars Hill Bible School.

Councilmember Betterton stated that he appreciates David Koonce, Director of Solid Waste, Street & Recycle, his staff, and Mayor Irons for encouraging the City's recycling program.

Councilmember Pendleton commended Mars Hill Bible School Show Choir.

Councilmember Pendleton submitted a TimesDaily Newspaper article entitled, "City Attorney's School Mission A Bit Mystifying". Councilmember Pendleton also submitted a copy of Mayor Irons' comments and Councilmember Graham's comments regarding the use of the former Florence Country Club property. Submissions follow, to wit:

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Councilmember Pendleton reiterated Mayor Irons and Councilmember Graham's comments from the September 21, 2010 City Council meeting regarding the former Florence Country Club property.

Councilmember Pendleton made comments regarding the Florence Landfill. Councilmember Pendleton stated that we should wait to make a decision until all the reports have been studied.

Councilmember Pendleton made comments regarding the proposed sale of a portion of the former Florence Golf & Country Club property to the University of North Alabama.

Councilmember Pendleton stated that if the sale was such a good idea, then why was the deal made in secret. Councilmember Pendleton also stated that he is making a paper trail and someone will go to jail. Councilmember Pendleton stated that there are things that we need to be careful about.

Councilmember Pendleton also stated that he does not want his constituents to think that Steve Pierce and the University of North Alabama is running this City Council. Councilmember Pendleton submitted a letter from Mr. Smoak. Submission follows, to wit:

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President Barnhart announced that there will be a Public Hearing on Tuesday, November 16<sup>th</sup> at 5:00 p.m. regarding the renewal of the Comcast Cable Franchise Agreement. President Barnhart noted that the public is invited to attend and a that copy of the proposed agreement is in the City Clerk's Office, 1<sup>st</sup> floor of City Hall, for anyone who would like to review it.

Councilmember made Graham 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.

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ATTEST:

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CITY CLERK



