

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
November 16, 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 16, 2010. President Barnhart called the meeting to order. 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.

AMENDED AGENDA
CITY OF FLORENCE, ALABAMA
CITY COUNCIL MEETING
November 16, 2010

5:00 P.M.

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) Public Hearing for the granting of a franchise to Comcast of Alabama, Inc.
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 November 2, 2010. **(Moved to Regular Agenda Item 12 (b)).**
- (b) Confirm payment of bills by the City Treasurer. **(Moved to Regular Agenda Item 12 (c)).**

- (c) Resolution authorizing the City to enter into a contract with The Carpet Store, Inc., to provide labor, materials and incidentals necessary to replace the carpet and base as necessary in the Planning Department, in an amount not to exceed \$3,600.00, to be paid from budgeted funds, sponsored by Melissa Bailey.
- (d) Resolution authorizing the City to enter into a contract with Engineers of the South, LLC, to provide professional engineering services for improvements and upgrades to the Cypress Creek Water Treatment Plant and the Wilson Lake Water Treatment Plant for the Florence Utilities Water/Wastewater Department, payment to be made in accordance with the attached fee schedules, to be paid from budgeted funds, sponsored by Mike Doyle.
- (e) Resolution authorizing the city to enter into a Letter of Agreement with the Tennessee Valley Authority to extend the In-Home Energy Evaluation Plan Pilot Program through December 31, 2011, sponsored by Richard Morrissey.
- (f) Resolution requesting the Tennessee Valley Authority to allow the Florence-Lauderdale Tourism Board to build a Visitors' Center at McFarland Park.
- (g) Resolution to approve a Use Agreement with the Florence Gun Club, Inc., for use of the Florence Police Shooting Facility for a 24-month term, fees paid to the City the first 12 months will be \$200.00 per Club member for members 11 through 50 and fees paid to the City the second 12 months will be \$220.00 per Club member for members 8 through 100, sponsored by Rick Singleton.
- (h) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to grant a franchise to Comcast of Alabama, Inc., to construct, operate and maintain a cable television system in the City of Florence, AL.
- (b) Approval of minutes of the Regular Meeting held on November 2, 2010. **(Moved from Consent Agenda Item 11 (a)).**
- (c) Confirm payment of bills by the City Treasurer. **(Moved from Consent Agenda Item 11 (b)).**

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		
	Vacancy		
	Vacancy		
	Eva Scull	05/20/08	11/01/10
	Delores Hubbert	07/17/01	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 Graham
Councilmember Morris
Councilmember Betterton
Councilmember Pendleton
Councilmember Jordan
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.

Discussion:

Councilmember Pendleton asked that Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on November 2, 2010 be moved to Regular Agenda Item 12 (b) and Consent Agenda Item 11 (b) Confirm payment of bills by the City Treasurer be moved to Regular Agenda Item 12 (c).

There being no further 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: None

Reports of Department Heads: None

Reports of Standing Committees:

Councilmember Jordan gave a report of the Finance Committee meeting that took place on November 15th. Councilmember Jordan stated that the Committee discussed the surplus property that the City owns. Councilmember Jordan stated that the Committee requested the City Attorney to draft a resolution declaring property that is not being utilized by the City as surplus.

Councilmember Jordan also noted that the Finance Committee discussed Capital Projects and agreed that the City Council needed to develop a Capital Budget plan and to hire Joe Jolly & Company to review the City's funding options.

Councilmember Jordan also noted that several sidewalks are on the priority list for rehabilitation. Councilmember Jordan made comments regarding the completion of the River Walk at River Heritage.

Councilmember Pendleton stated that according to the Sunshine Act 2005, all meetings must be public. Councilmember Pendleton stated that three members of a committee are to meet and six City Councilmembers come to the meeting.

Public Hearings:

President Barnhard noted that this was the time and date, as advertised, for a public hearing regarding the proposed Comcast of Alabama, Inc. Franchise Agreement.

Mr. Bill Musgrove III, City Attorney, stated that the fifteen year contract will be expiring soon and that this is a ten year renewal agreement with no real substantive changes and that Comcast will continue to pay the City 5 percent of their gross as a franchise fee. Mr. Musgrove also stated that this agreement is very similar to the contract that was approved last year with AT&T. Mr. Musgrove noted that the length of terms can change due to technology.

President Barnhart stated that it was time for comments from the public regarding the proposed agreement.

Councilmember Graham asked a representative from Comcast if the digital conversion has been completed? Ms. Patricia Collins, Comcast Cable, stated that the conversion has been completed and all channels are now digital which allows Comcast to offer more choices and more high definition and higher speeds. Ms. Collins thanked Mr. Musgrove for his work on this agreement.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in support of the proposed franchise agreement with Comcast of Alabama, Inc. Mr. Simpson stated that Comcast of Alabama, Inc. has good employees and provides our area with great service.

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 Jordan 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 grant a franchise to Comcast of Alabama, Inc., to construct, operate and maintain a cable television system in the City of Florence, AL. Said Ordinance follows, to wit:

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Councilmember Jordan 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.

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 Approval of minutes of the Regular Meeting held on November 2, 2010. **(Moved from Consent Agenda Item 11 (a)).** Said Resolution follows, to wit:

Councilmember Jordan 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 Morris seconded the motion.

Discussion:

Councilmember Pendleton stated that he presented City Clerk, Robert M. Leyde, a record's request form several meetings ago for copies of phone calls and e-mails. Councilmember Pendleton read e-mails that he sent Mayor Irons regarding the former Florence Golf & Country Club property. Councilmember Pendleton presented copies of the e-mails to City Clerk, Robert M. Leyde, to be included in the official minutes and follow, to wit:

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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 the Confirm payment of bills by the City Treasurer. **(Moved from Consent Agenda Item 11 (b)).** Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Morris 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 Morris seconded the motion.

Discussion:

Councilmember Pendleton asked questions regarding the payment of liability claims by the City. Councilmember Pendleton asked why some claims are paid and some claims are rejected. Councilmember Pendleton also asked if the approval of bills also includes the payment of liability claims.

Mr. Bill Musgrove, City Attorney, stated that there is an ordinance in place that was adopted several years ago that sets forth the procedure to handle claims.

Councilmember Pendleton ask if we are fair. Mr. Musgrove stated that the City is more than fair regarding claims. Mr. Musgrove also stated that he looks at all claims and he decides if the City is liable. Mr. Musgrove stated that a list of liability claims can be provided to the City Council.

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: Sam Pendleton, Jr.

Board Openings:

President Barnhart noted that several nominations were made at today's work session and will be on the agenda at the next City Council meeting.

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		
	Vacancy		
	Vacancy		
	Eva Scull	05/20/08	11/01/10
	Delores Hubbert	07/17/01	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

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

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments regarding the recent Highland Technical Service dye trace landfill study. Mr. Cope stated that the City claims that they are not responsible for contaminants that are flowing through wells number 1 and number 9 because the contaminants are from an off-site source and not the landfill. Mr. Cope also stated that according to the City's study that the contaminants flowing through wells number 1 and number 9 are coming from waste buried at the landfill.

Mr. Charles Rose, 1206 North Montgomery Avenue, Sheffield, AL, appeared and made comments regarding the recent Highland Technical Service dye trace landfill study. Mr. Rose stated that Highland Technical Service recommended that additional ground water study is needed near the northwest boundary of the landfill.

Mr. Brad Perry, owner of Brad Perry Enterprises, appeared and made comments regarding parking at 324 & 326 East Tennessee Street. Mr. Perry stated that he is the owner of these buildings and is requesting that parking spaces be angled at these locations between Wood Avenue and

Walnut Avenue. Mr. Perry also stated that his buildings are vacant due in part to the parallel parking spaces in front of these locations.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding the recent Highland Technical Service dye trace landfill study. Mr. Simpson stated that the City should perform joint testing with the Shoals Environmental Alliance Group.

Council Reports and/or Comments:

Councilmember Graham thanked everyone for being here tonight and those watching by television. Councilmember Graham also wished everyone a Happy Thanksgiving and congratulated the University of North Alabama Football Team for making it into the play-offs. Councilmember Graham welcomed Boy Scout Peter Chobot to tonight's meeting.

Councilmember Morris's statement follows, to wit:

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Councilmember Betterton thanked Councilmember Morris and Councilmember Jordan for their work on the new procedures for board appointments. Councilmember welcomed Boy Scout Peter Chobot at tonight's meeting.

Councilmember Betterton noted that the Fall Youth Basketball league had over 200 players to sign up.

Councilmember Betterton encouraged drivers to slow down and pay attention, especially during the Holiday Season.

Councilmember Betterton made comments regarding the Finance Committee meeting that he attended yesterday. Councilmember Betterton stated that among the topics discussed were drainage issues and the need for a larger senior citizen facility.

Councilmember Betterton made comments regarding our efforts to recycle. Councilmember Betterton stated that everyone needs to recycle.

Councilmember Pendleton stated that it had been 57 days since Mayor Irons and Councilmember Graham made comments regarding the use of the former Florence Country Club property as offices for the Street, Solid Waste & Recycle Departments. Councilmember Pendleton submitted copies of their comments. Comments follow, to wit:

Councilmember Pendleton made comments regarding the LAI study at the Florence Landfill. Councilmember Pendleton stated that the study was flawed and that Mayor Irons was already in negotiations with the University of North Alabama to purchase a portion of the former Florence Golf & Country Club property. Councilmember Pendleton also stated that if the City would move the Street Department to the Country Club property then we could develop the property on Railroad Avenue.

Councilmember Jordan made comments regarding the dedication of the Southall-Moore Home. Councilmember Jordan thanked the Charles Moore and the Southhall family for their tremendous generosity. Councilmember Jordan also thanked Mr. John Hargett for his service to our Country.

Councilmember Jordan made comments regarding the City building a transfer station. Councilmember Jordan stated that he is not in favor of expanding the landfill onto the Country Club property.

President Barnhart welcome Boy Scout Peter Chobot and thanked him for his attendance. President Barnhart noted that he is working on a merit badge.

Councilmember Morris 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

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Councilmember Betterton presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK