

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
February 17, 2009**

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 17, 2009. 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.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

February 17, 2009

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: None
 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.

Approval of minutes of the Regular Meeting held on February 3, 2009.

Confirm payment of bills by the City Treasurer.

Resolution authorizing the City to enter into a contract with Asplundh Tree Expert Company, Inc., to provide labor, equipment, materials and incidentals necessary for electric line clearance for the Florence Utilities Electricity Department, in the amount of \$2,810,777.77, to be paid from budgeted funds, sponsored by Richard Morrissey.

Resolution authorizing the City to apply for a grant in the amount of \$350,000.00 from the Alabama Department of Environmental Management to secure funds for equipment and materials to offer recycling at schools and other community centers in conjunction with Lauderdale County, with no matching funds required by the City, sponsored by David Koonce.

Resolution authorizing the City to settle the claim filed against the City by Aubrey Miree for an amount not to exceed \$32,500.00, to be paid from the City's Liability Insurance Fund, sponsored by Bill Musgrove.

Resolution authorizing the City to approve a Release and Assignment relative to the unpaid utility bill by Guthrie's Florence, L.L.C., in the amount of \$3,800.00, sponsored by Vance Young.

Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to amend **Sec. 3-2. Definitions of establishments, places, and premises permitted to apply for license to sell alcohol**, sponsored by William D. Jordan.
- (b) Resolution to designate and adopt the Red Maple (*Acer Rubrum*) as the official City Tree.

13. General Business:

- (a) Resolution authorizing the City to approve the revised and amended 1995 One Cent Sales Tax Capital Fund Fiscal Year 2008-2009 Budget adopted on October 7, 2008, sponsored by Dan Barger. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 01/20/09 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)**
- (b) Resolution – Alcohol Beverage License Application for the operation of a Convenience Store with Off-Premises Beer & Wine by CHRIS PERKINS, d/b/a PERKINS OUTDOORS L.L.C., located at 305 COFFEE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (c) Board Openings within the next 90 days or less:

Board

<u>Member</u>	<u>Appointed</u>	<u>Expires</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 Jordan
Councilmember Graham
Councilmember Morris
Councilmember Betterton
Councilmember Pendleton
Councilmember Barnhart

16. Motion to Adjourn.

President Barnhart noted that due to the Alcohol Beverage Control Board's regulations on beer and wine tasting, Regular Agenda Item 12 (a) Ordinance to amend **Sec. 3-2. *Definition of establishments, places, and premises permitted to apply for license to sell alcohol,*** sponsored by William D. Jordan, has been changed. President Barnhart stated that beer tastings have been removed from the ordinance.

President Barnhart asked for a motion for approval of the agenda. Councilmember Graham 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.
Herman T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Message from the Mayor:

Mayor Irons welcomed the sixth grade class of Shoals Christian School. The students came forward and recited the "American Creed".

Mayor Irons presented a Proclamation designating February 16th through February 22nd as Arbor Week and February 19th as Arbor Day. This Proclamation was received by Paul Graham, Urban Forester/Horticulturist for the City of Florence. Mayor Irons noted that this is the 22nd year that the City of Florence has been recognized as "Tree City USA". Mr. Graham stated that the Tree Commission is hosting its 14th annual conference tomorrow. Mr. Graham stated that the theme for this conference is "Designing and Maintaining the Urban Landscape". Mr. Graham encouraged everyone to attend

Mayor Irons made comments concerning Agenda Item 13 (a) Resolution authorizing the City to approve the revised and amended 1995 One Cent Sales Tax Capital Fund Fiscal Year 2008-2009 Budget adopted on October 7, 2008. Mayor Irons stated that this resolution is strictly an accounting transaction to carry over prior approved capital project items from the 2008 budget to the current 2009 budget. Mayor Irons also stated that there is no spending approved on any of the projects included in this resolution. Mayor Irons stated that in the future, if there is justification for any of these projects, the request for spending must be submitted to the City Council for approval. Mayor Irons also stated that he recommends approval of this resolution so that the accounting system can be brought up to date.

Mayor Irons made comments concerning his recent visit to Washington DC with a Shoals delegation of the four mayors, SEDA and Chamber Presidents, and the Executive Director of NACOLG. Mayor Irons stated that the purpose of the visit was to meet with Senator Shelby, Senator Sessions and Congressmen Griffith, Aderholt, and Davis to discuss current project

needs. Mayor Irons also stated that a large percentage of the funds from the Stimulus Package will be distributed through the governors' offices and state agencies.

Reports of Department Heads: None

Reports of Standing Committees:

Councilmember Graham, Chairperson of the Utility Committee, gave a report on a meeting that took place on Monday, February 9, 2009 . Said meeting follows, to wit:

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 Betterton moved for approval of (a) Approval of minutes of the Regular Meeting on February 3, 2009 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance to amend **Sec. 3-2. *Definitions of establishments, places, and premises permitted to apply for license to sell alcohol,*** sponsored by William D. Jordan. Said Ordinance follows, to wit:

Councilmember Jordan 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 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
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to designate and adopt the Red Maple (*Acer Rubrum*) as the official City Tree sponsored by Paul Graham. Said Resolution follows, to wit:

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 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 approve the revised and amended 1995 One Cent Sales Tax Capital Fund Fiscal Year 2008-2009 Budget adopted on October 7, 2008, sponsored by Dan Barger. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 01/20/09 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)**

Said resolution follows, to wit:

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

Discussion:

Councilmember Morris thanked Mayor Irons and Dan Barger, Treasurer/Chief Accountant for their help in explaining what this motion entails. Councilmember Morris made comments in opposition to the \$150,000.00 allotted for the Entertainment District in East Florence. Councilmember Morris stated that we need to be careful when spending tax-payers money. Councilmember Morris stated that the approval of this resolution does not authorize the expenditures of this money.

Councilmember Jordan reiterated that these projects will come before the City Council for approval. Councilmember Jordan stated that most of these projects are good.

Councilmember Betterton stated that he echoed Councilmember Jordan's comments concerning this resolution. Councilmember Betterton stated that at the appropriate time this City Council can vote on individual projects.

Councilmember Graham stated that there is one hundred and fifty thousand dollars allocated to District 4 and it should be spent in District 4.

Councilmember Pendleton stated that this is for capital fund expenditures and not for operating expenses.

There being no further discussion, a vote taken thereon resulted as follows:

Ayes:	Sam Pendleton, Jr. Herman T. Graham William D. Jordan Barry Morris James H. Barnhart Andrew Betterton
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Noes:	None
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City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Convenience Store with Off-Premises Beer & Wine by CHRIS PERKINS, d/b/a PERKINS OUTDOORS L.L.C., located at 305 COFFEE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Jordan 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.

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: NONE

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

Lamont Liner, 934 West College Street, appeared and made comments concerning the West Florence Re-Development. Mr. Liner noted that the Florence Planning Commission will meet on Tuesday, February 24th at 5:00 p.m. in the Council Auditorium to discuss the West Florence Re-Development. Mr. Liner encouraged everyone who lives and owns property in West Florence to attend.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments concerning President Obama. Mr. Simpson stated that everyone needs to get in line to move this nation and this city forward.

John Crowder, 421 Nottingham Road, appeared and made comments concerning illegal signs. Mr. Crowder stated that political signs from the election on November 4, 2008 are still visible on the highways.

Council Reports and/or Comments:

Councilmember Jordan stated that he went to Mount Moriah Church to review the re-development plan for West Florence. Councilmember Jordan commended Councilmember Pendleton and Mayor Irons for their work on this project.

Councilmember Graham noted that he also attended the re-development meeting. Councilmember Graham also commended Councilmember Pendleton for his work in his district.

Councilmember Morris had no comment.

Councilmember Betterton thanked the students, teachers and parents of Shoals Christian School for their attendance at tonight's meeting.

Councilmember Betterton thanked all the volunteers who are assisting Urban Forestry and the Tree Commission with the conference tomorrow.

Councilmember Betterton also noted that he attended the meeting at Mount Moriah Church. Councilmember Betterton thanked Councilmember Pendleton and the volunteers who have developed this project. Councilmember Betterton noted that he was very impressed with the plans for West Florence.

Councilmember Pendleton stated that he was impressed with the students from Shoals Christian School. Councilmember Pendleton thanked Paul Graham for his hard work on the annual conference. Councilmember Pendleton thanked the City of Florence, Mayor Irons and Mrs. Irons for their attendance to the Purity Workshop that was held for the youth at Mount Moriah Church on Friday night, February 13th. Councilmember Pendleton noted that four hundred students attended on Friday night and six hundred students attended on Saturday night.

Councilmember Pendleton noted that the citizens of West Florence played a major role in the re-development plan for West Florence. Councilmember Pendleton thanked Mayor Irons and Melissa Bailey, Planning Director, for allowing the citizens to provide input for the plan. Councilmember Pendleton encouraged everyone to attend the Planning Commission meeting on Tuesday, February 24th and the City Council meeting on March 3rd.

Councilmember Pendleton noted that the Burrell-Slater Alumni Association will host an open house on Saturday, February 21st from 4:00 until 6:00 p.m.

Councilmember Pendleton made comments concerning Fraternity Row in West Florence area. Councilmember Pendleton stated that the Florence Electricity Department had installed new street lightning in this area.

President Barnhard made comments concerning finances. President Barnhart stated that he is opposed to non-essential projects. President Barnhart noted that there are two items in the budget dealing with the Florence Police Department and the Florence Fire Department. President Barnhart asked Councilmember Pendleton to schedule a Public Safety Committee meeting to discuss these items.

Councilmember Morris made a motion to adjourn the meeting. 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 Graham presented the closing prayer.
There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK