

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
March 24, 2009**

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 24, 2009. President Barnhart called the meeting to order. Councilmember Betterton 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**

**March 24, 2009**

**10:00 A. M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Betterton
  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.

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

Confirm payment of bills by the City Treasurer.

Resolution authorizing the City to enter into a contract with McDaniel Window and Door Company, Inc., to provide labor, equipment, materials and incidentals necessary to replace one window and caulk other windows in the Second Floor, Room 229 area of City Hall, in the amount of \$2,472.00, to be paid from budgeted funds, sponsored by Mike Doyle.

Resolution authorizing the City to enter into a contract with Chester Watkins, DBA Dippin Dots, to provide labor, equipment, materials, and incidentals necessary to provide concession service at the Florence/Lauderdale Coliseum and other City Park locations as directed, in the amount of 31% of gross after sales taxes are deducted and 31% of gross after sales taxes are deducted at other parks as directed, sponsored by Todd Nix.

Resolution authorizing the City to enter into a contract with USIC Locating Services, Inc., to provide labor, equipment, materials and incidentals necessary to provide line location and markings for buried Electric, Natural Gas, Water, Sanitary Sewer, and Storm Sewer, in the unit price amounts as follows: \$18.96 per locate, \$42.00 per hour, \$42.00 after hours locate, \$320.00 per day, to be paid from budgeted funds, sponsored by Richard Morrissey.

Resolution authorizing the City to enter into a contract with The Design Center, Inc., to provide labor, equipment, materials and incidentals necessary to renovate the fountain bird bath at Wilson Park, in the amount not to exceed \$36,800.00, to be paid from budgeted funds, sponsored by Todd Nix.

Resolution authorizing the City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to remove four trees at or near the intersection of Tennessee Street and Cypress Street, in the amount of \$11,500.00, to be paid from budgeted funds, sponsored by Phil Stevenson.

(a) Resolution authorizing the City to make application to the Alabama Department of Economic and Community Affairs under the State Emergency Shelter Grant Program on behalf of Safeplace, Inc., The Community Action Agency of Northwest Alabama and the Society of St. Vincent de Paul, to provide assistance to the homeless, sponsored by Phil Stevenson.

Resolution to approve a contract between the City and the Northwest Alabama Children's Advocacy Center, Incorporated, to assist poor and needy children and other persons in the community, sponsored by Sam Pendleton.

Resolution to approve a Surety Release and Assignment in the amount of \$4,100.00 on behalf of Josh Kelley Enterprises, sponsored by Vance Young.

Resolution to appropriate the sum of \$38,560.61 from the City's Workers' Compensation Fund to settle a workers' compensation claim filed against the City by Vernon Ingram, with the medical expenses being left open and vocational rehabilitation expenses being closed, sponsored by Barry Brewer.

Resolution to appoint Dr. Kenneth R. Johnson to the Florence Historical Board, sponsored by the City Council.

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

Resolution authorizing the Mayor to execute in the name of the City such contracts, documents and certificates as may be necessary or desirable to properly position the City to market the warrants necessary to refund the City of Florence's Series 1998-A General Obligation School Warrants, Series 1998-B General Obligation Warrants, and Series 1999 Electric Revenue Warrants, sponsored by Bill Musgrove.

12. Regular Agenda:

(a) Resolution to encourage the use of products and services that are made or performed in the United States of America whenever and wherever possible when

economic recovery monies provided by the American taxpayers are expended, sponsored by Mayor Irons, James Barnhart, Sam Pendleton.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer by L & L SERVICES, INC., d/b/a Q-GAS #9913, located at 2002 CHISHOLM ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) Resolution – Alcohol Beverage License Application for the operation of a Specialty Beverage Store with On-Premises Wine, Off-Premises Wine and Off-Premises Beer by JENNIFER H. BERGSTROM and LIZ ANDERSON, d/b/a/ THE WINE SELLER, located at 324 N. COURT STREET, 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>Expires</u>
Riverbend Center For Mental Health	Betty Roberson		05/07/ 91 04/01/ 09

- 14. Business from the public (5-minute time limit).
- 15. Council Members reports and/or comments (5-minute limit).

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

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the agenda. Councilmember Graham moved for approval of the agenda. Councilmember Betterton 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 introduced Coach Terry Bowden as the new Head Football Coach for the University of North Alabama. Mayor Irons also presented a Proclamation to welcome Coach Bowden to the City of Florence and to the University of North Alabama.

Coach Bowden thanked Mayor Irons, City Council and the students attending today's meeting. Coach Bowden stated that he is very excited to be here in the City of Florence and to be working with the University of North Alabama. Coach Bowden encouraged the students to dream great dreams and to set high standards.

Mayor Irons welcomed the students from Florence High School for Youth-In-Government Day.

Mayor Irons presented a Proclamation to David Koonce, Manager of Solid Water, Street and Recycle Department and Paul Graham, Urban Forester/Horticulturist designating the month of April, 2009 as Earth Month and as City -Wide Clean-up Month. Mayor Irons noted that City-Wide Clean-Up day is Saturday, April 18<sup>th</sup>, from 8:00 a.m. until noon and Earth Day is April 22<sup>nd</sup>. Mayor Irons encouraged everyone to participate in the clean up effort. Mayor Irons noted that the World Wildlife Foundation has declared that March 28<sup>th</sup>, 2009, from 8:30 p.m. until 9:30 p.m. as Earth Hour. Citizens are asked to turn off all non-essential lights for one hour.

Mayor Irons recognized Ms. Melissa Bailey, Florence Planning Director, for completing the requirements to be recognize as a Certified Geographic Information Systems Professional through the GIS Certification Institute.

Mayor Irons made comments concerning the City-Wide cleanup day. Mayor Irons stated that we have a lovely City but some areas need to be cleaned up. Mayor Irons encouraged everyone to participate.

Mayor Irons announced the grand opening of the Sportsplex will be Saturday, March 28<sup>th</sup> and the rain date will be Saturday, April 4<sup>th</sup>. Mayor Irons invited everyone to attend.

Mayor Irons made general comments concerning the Stimulus Package. Mayor Irons stated that we are working hard to bring in all of the funds that are available into the City of Florence.

**Reports of Department Heads: None**

**Reports of Standing Committees:**

Councilmember Pendleton, Chairperson of the Public Safety Committee, stated that the

committee met on March 18<sup>th</sup>, 2009 at noon in the Mayor's Conference Room. Councilmember Pendleton noted that in attendance representing the Florence Fire Department were Chief Charles Cochran, Deputy Chief Jimmy Clemmons, Deputy Chief Jim Wallace, Fire Marshall Jeff Perkins, Battalion Chief Terry Willett and Lieutenant Tim Anerton. Also in attendance representing the Florence Police Department were Chief Rick Singleton, Deputy Chief Tim Shaddix, Deputy Chief Neal Rhodes, Officer Tony Gurley, Captain Marty Dodd and Officer Harold Howard. Councilmember Pendleton also noted that President Barnhart, City Attorney Bill Musgrove and Trevor Stokes, Times Daily reporter were also in attendance. Council member Pendleton stated that Police Captain Marty Dodd made a presentation regarding cameras being installed in the downtown area. Councilmember Pendleton also stated that other topics of discussion were grant money from the Stimulus Package, Cadet Program, part-time employees, police dispatchers, grand opening for the Firing Range, and classes for hand guns. Councilmember Barnhart made comments supporting the hiring of additional police officers. Councilmember Pendleton stated that Deputy Fire Chief Jimmy Clemmons gave a report on the requirements and costs of new turn-out uniforms for firefighters. Fire Chief Charles Cochran made comments concerning the Fire Department's five-year plan. Councilmember Pendleton noted that Mayor Irons stated that he is committed to filing for five additional police officers under the Stimulus Package. Council member Pendleton thanked Times Daily Reporter Trevor Stokes for his articles published in the TimesDaily Newspaper on the topics that were discussed during the meeting.

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

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 encourage the use of products and services that are made or performed in the United States of America whenever and wherever possible when economic recovery monies provided by the American taxpayers are expended, sponsored by Mayor Irons, James Barnhart, Sam Pendleton, Dick Jordan, Hermon Graham and Andy Betterton. Said resolution follows, to wit:

Councilmember Graham 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 Graham moved for adoption of the foregoing resolution.

Councilmember

Jordan seconded the motion.

**Discussion:**

Councilmember Morris made comments in opposition to the resolution. Said comments follows, to wit:



Councilmember Graham made comments in support of the resolution. Council member Graham stated that we would be failing the public if we did not try.

Councilmember Pendleton made comments in support of the resolution. Council member Pendleton stated that the purpose of this resolution is, when possible, we will buy products, goods and use services of local businesses or businesses that are located in the United States.

Councilmember Morris made comments in response to Councilmember Pendleton comments. Council member Morris stated that we need to find goods and services at the lowest possible cost.

Councilmember Pendleton stated that the message we need to send is to our children is that it is possible to use local resources. Council member Pendleton also stated that the City Council is sending a message today that we want to go back and protect our Country.

Council member Morris stated that in history, those Nations who did not participate in free trade with other countries were poorer nations.

President Barnhart relinquished the Chair to Councilmember Graham to make the following comments.

President Barnhart made comments in favor of the resolution. President Barnhart stated that it is time we started looking out for ourselves.

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

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

Noes: Barry Morris

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer by L & L SERVICES, INC., d/b/a Q-GAS #9913, located at 2002 CHISHOLM 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 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 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

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Specialty Beverage Store with On-Premises Wine, Off-Premises Wine and Off-Premises Beer by JENNIFER H. BERGSTROM and LIZ ANDERSON, d/b/a/ THE WINE SELLER, located at 324 N. COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said resolution follows, to wit:

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 Graham 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:**

President Barnhart noted that the City Council at it's earlier work session nominated Mrs. Betty Roberson to serve on the Riverbend Center for Mental Health Board and Council member Jordan to serve on the Public Library Foundation Board . President Barnhart stated that these nominations will appear on the agenda at the next City Council meeting.

#### Board

Member

Appointed

Expire

Riverbend Center

For Mental Health

Betty

Roberson

05/07/91

04/01/09

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

John Crowder, 421 Nottingham Road, appeared and made comments concerning the position of the video camera used for taping the City Council meetings. Mr. Crowder stated that he disagreed with the previous City Council for changing the position of the video camera so that the public is not visible as they address the City Council.

Mr. Crowder also made comments concerning illegal sign age. Mr. Crowder stated that illegal signs on the right-of-way should also be considered litter.

**Council Reports and/or Comments:**

Councilmember Morris welcomed the Florence High School students in attendance for Youth-In-Government Day. Councilmember Morris thanked the students for their interest in local government.

Councilmember Betterton made comments concerning the dedication of the Sportsplex on Saturday, March 28<sup>th</sup> at 10:30 a.m. Councilmember Betterton encouraged everyone to come out and participate in the festivities.

Councilmember Betterton made positive comments concerning our youth. Councilmember Betterton stated that there are great challenges for our youth in our local government.

Council member Pendleton also welcomed the Florence High School students in attendance for Youth-In-Government Day. Councilmember Pendleton stated that there is hope and hope is on the way.

Councilmember Jordan thanked Martha Murphy and Sandra Morgan for their work in organizing Youth-In-Government Day. Councilmember Jordan also thanked Paul Graham, Urban Forester/Horticulturist, and David Koonce, Manager of Solid Water, Street and Recycle Department for their daily clean-up efforts in the City of Florence.

Councilmember Jordan made comments concerning the restoration of the fountain at Wilson Park. Councilmember Jordan stated that the restoration plans are a work of a lot of people and organizations.

Councilmember Graham thanked the students for their attendance today. Councilmember Graham also thanked Paul Graham and David Koonce for their hard work.

Councilmember Graham reminded the public that the community meeting in District 3 will be held on April 30<sup>th</sup> at Broadway Recreation Center at 6:00 p.m. Councilmember Graham noted that Mr. Carl Bailey of ECM Hospital will be the guest speaker.

President Barnhard thanked the students for their attendance and the Florence Exchange Club for providing lunch for the students.

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

Noes: None

Councilmember Pendleton presented the closing prayer.  
There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK