

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
July 7, 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, July 7, 2009. President Barnhart called the meeting to order. Councilmember Morris 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**

**July 7, 2009**

**5:00 P. M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Morris
  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 June 16, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to apply for a \$28,315.00 grant from the Lauderdale County Community Development Commission to secure funds for the extension of the City's water system at County Road 30, sponsored by Mike Doyle.
- (d) Resolution authorizing the City to enter into a Reimbursable Agreement for Relocation of Utility Facilities on Private or Public Right-of-Way with the

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Alabama Department of Transportation for relocation of water utilities relative to the construction of additional lanes on U.S. Highway 43 from the existing 4-lane at Killen to Highway 64, Project No. NHF-0013(503), sponsored by Mike Doyle.

- (d) Resolution authorizing the City to enter into an Agreement to Terminate Reimbursable Utility Relocation Agreement with the Alabama Department of Transportation for relocation of water utilities relative to the construction of additional lanes on U.S. Highway 43 from the existing 4-lane at Killen to Highway 64, Project No. NHF-195(012), sponsored by Mike Doyle.
- (e) Resolution authorizing the City to enter into a contract with King Pipeline and Utility Company, Inc., to provide labor, equipment, materials and incidentals necessary for the replacement of a bridge located on County Road 16, over Little Cypress Creek, in the amount of \$354,952.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (f) Resolution authorizing the City to enter into a contract with A-1 Fence Company, to provide labor, equipment, materials and incidentals necessary for the installation of a maximum of 1500 linear feet of 7 foot blank vinyl chain-link fence at the Coffee/O'Neal Sports Complex, in the amount of \$11,240.00, to be paid from budgeted funds, sponsored by Todd Nix and Tina Kitchens.
- (g) Resolution authorizing the City to enter into a contract with Lower Brothers Company, Inc., to provide labor, equipment, materials and incidentals necessary for the repairs of the six tennis courts at Veterans Park, in the amount of \$18,000.00, to be paid from budgeted funds, sponsored by Todd Nix and Tina Kitchens.
- (h) Resolution authorizing the City to enter into a contract with Irons Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for the installation of a remote generator panel in Room B-37, City Hall, in the amount of \$1,404.00, to be paid from budgeted funds, sponsored by George Grabryan.
- (i) Resolution authorizing the City to approve a contract with "Give a Kid a Chance" in the amount of \$2,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (j) Resolution authorizing the City to approve a contract with the Florence All Sports Booster Club in the amount of \$5,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (k) Resolution to approve a Special Deferred Emergency Repair Loan to Bessie Lovelace in the amount of \$13,600.00 for emergency repairs to property located at 522 East Tuscaloosa Street, to be paid from budgeted funds, sponsored by Phil Stevenson.
- (l) Resolution to approve an application to the U.S. Department of Justice, Office of Justice Programs, for a 2009 Byrne Justice Assistance Grant (JAG) Program Award, with City's share of said funds in the amount of \$12,699.50 to be paid to Lauderdale County, sponsored by Chief Singleton.
- (m) Resolution authorizing the City to enter into a Disparate Jurisdiction Agreement with Lauderdale County concerning the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG Program funds in the amount of \$25,399.00, sponsored by Chief Singleton.
- (n) Resolution to approve an amendment to Group Annuity Contract No. 31822 with Metropolitan Life Insurance Company, sponsored by Dan Barger and Barry Brewer.

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- (o) Resolution to appoint Kevin Mullins as a supernumerary member of the Board of Zoning Adjustments, sponsored by the City Council.
- (p) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

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12. Regular Agenda:

13. General Business:

- (a) Resolution to amend the Municipal Capital Improvement Fund Fiscal Year 2008-2009 Budget to provide \$18,000.00 for refurbishment of the Tennis Courts at Veteran's Park, sponsored by Dan Barger and Todd Nix.
- (b) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by CROCODILE ED'S, LLC, d/b/a CROCODILE ED'S, located at 395 COX CREEK PARKWAY, 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>Expire</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 Pendleton  
Councilmember Jordan  
Councilmember Graham  
Councilmember Morris  
Councilmember Betterton  
Councilmember Barnhart

16. Motion to Adjourn.

President Barnhart noted that Consent Agenda item 11 (c) Resolution authorizing the City to apply for a \$56,630.00 grant from the Lauderdale County Community Development Commission to secure funds for the extension of the City's water system at County Road 30, sponsored by Mike Doyle has been changed. The correct amount should read \$28,315.00.

There being no further changes, President Barnhart asked for a motion for approval of the amended 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

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James H. Barnhart  
Andrew Betterton

Noes: None

**Message from the Mayor:**

President Barnhart noted that Mayor Irons is out of town. President Barnhart introduced Deputy Chief Tim Shaddix. Deputy Chief Saddix made comments regarding vehicles parked in residential yards. Deputy Chief Shaddix stated that the City will deal with each incident on an individual basis.

**Reports of Department Heads: None**

**Reports of Standing Committees:**

Councilmember Morris gave a report of the recent meeting of the Planning and Building Committee. Said report follows, to wit:

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**Public Hearings:** None

**Business from the Floor Pertaining to Items on the Consent or Regular Agenda:**

John Crowder, 421 Nottingham Road, appeared and made comments concerning the resurfacing of the tennis courts at Veterans Park. Mr. Crowder asked how does this project relate to the ultimate disposition of the park?

**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 June 16, 2009 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 Graham 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

**Regular Agenda:**

City Clerk, Robert M. Leyde, presented a Resolution to amend the Municipal Capital Improvement Fund Fiscal Year 2008-2009 Budget to provide \$18,000.00 for refurbishment of the Tennis Courts at Veteran's Park, sponsored by Dan Barger and Todd Nix. Said resolution follows, to wit:

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Councilmember Morris 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.

**Discussion:**

Councilmember Graham made comments in favor of the resolution. Councilmember Graham stated the tennis courts at Veterans Park are being used very heavily.

Councilmember Morris stated that the current condition of the tennis courts is a reflection of our City.

Councilmember Pendleton made comments in support of the resolution. Councilmember Pendleton stated that these facilities should be preserved.

Councilmember Betterton stated that the tennis courts are currently almost unplayable.

President Barnhart made comments in favor of the 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  
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 CROCODILE ED'S, LLC, d/b/a CROCODILE ED'S, located at 395 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said resolution follows, to wit:



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Councilmember Betterton moved for immediate consideration of the foregoing resolution. 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 resolution. Councilmember Pendleton seconded the motion.

**Discussion:**

Councilmember Pendleton made comments in favor of the resolution. Councilmember stated that the building looks remarkable.

Councilmember Jordan praised the Developer for the his wonderful work on the building.

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:** None

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

James Goad, 222 Gilbert Court, appeared and made comments regarding a proposal to erect a plaque or monument at Bradshaw High School and Coffee High School.

John Hargett, appeared and made comments concerning a recent article that appeared in the Times Daily Newspaper regarding T.V.A. considering giving land to local governments.

Mr. Hargett stated that this was not a good idea.

John Crowder, 421 Nottingham Road appeared and made comments regarding T.V.A.

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land. Mr. Crowder encouraged the public to attend a meeting on July 14<sup>th</sup> at Muscle Shoals High School.

Billy Ray Simpson, 1738 Ingleside Av , appeared and made comments regarding corporal punishment in our local schools. Mr. Simpson stated that this type of punishment does not work.

Mr. Simpson made comments concerning recent murders that have occurred in West Florence.

**Council Reports and/or Comments:**

Councilmember Pendleton made comments regarding crimes that have taken place in the past on West Mobile Street. Councilmember Pendleton stated that with the co-operation of the citizens of West Florence, crimes can be solved.

Councilmember Pendleton stated that he was very pleased that the Championship game will stay in Florence. Councilmember Pendleton also congratulated Mr. Jody Pigg, Acting Executive Director of ECM Hospital.

Councilmember Jordan had no comments.

Councilmember Graham announced the District 3 Community Meeting will be held on July 30<sup>th</sup> at the Broadway Recreation Center. Councilmember Graham encouraged the citizens of District 3 to attend.

Councilmember Graham expressed his condolences to the families of Leland Edwards and Lavern Tate. Councilmember Graham stated that the City has lost two fine people.

Councilmember Morris made comments in reference to Mr. Simpson's comments regarding murders in Florence. Councilmember Morris stated that this City Council does care about the welfare of our citizens.

Councilmember Morris stated that several residents of Hearn Trailer Park, owned by Sak Properties, received a letter from the US Postal Service informing them that they would no longer receive mail unless they have a mail box with a locking door. Councilmember Morris also stated that Mr. Sak was also notified by the US Postal Service and was told by Mr. Sak that he was not going to provide locking doors. Councilmember Morris urged Mr. Sak to be responsible and repair the mailboxes for the residents.

Councilmember Betterton wished Crocodile Ed's and Mr. Robbins well on their new facility. Councilmember Betterton congratulated Florence Parks & Recreation, Police and Fire Departments and volunteers for their work during the 4<sup>th</sup> of July Celebration at McFarland Park.

Councilmember Betterton welcomed the World Changers Organization to Florence.

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Councilmember Betterton thanked Mr. Phillip Stevenson and Ms. Brenda Wright for their work identifying projects in the City for World Changers volunteers.

President Barnhart had no comments.

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

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ATTEST:

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CITY CLERK