

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
September 15, 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, September 15, 2009. President Barnhart called the meeting to order. City 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

September 15, 2009

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) Rezoning of Cherry Hill Homes located at Florence Blvd from R-2 (Single Family Residential/Small lots) to R-3 (Multi-Family Residential District) as requested by Florence Housing Authority.
 - (b) Rezoning of property located on Thompson Street adjoining Cherry Hill Homes from I-1 (Industrial District) to R-3 (Multi-Family Residential) as requested by Florence Housing Authority.
 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 September 1, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into an Agreement with the Tennessee Valley Authority regarding the Time Differentiated Hours Use of Demand Pilot Program, sponsored by Richard Morrissey.

- (d) Resolution authorizing the City to approve the City's acceptance of grant funding relative to the Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$25,399.00, no matching funds required, sponsored by Chief Singleton.
- (e) Resolution authorizing the City to enter into an Alabama Recycling Fund Grant Agreement with the Alabama Department of Environmental Management, in the amount of \$196,562.00, no matching funds required, sponsored by David Koonce.
- (f) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials and incidentals necessary for storm drainage corrections at Blackberry Trail Golf Course, in the amount of \$36,500.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (g) Resolution authorizing the City to enter into a contract with Daffron & Associates, Inc., to setup and maintain the City of Florence Homepage and additional web pages and hosting services for a three year period, to be paid from budgeted funds, sponsored by Steve Price.
- (h) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Resolution authorizing the City to approve an Amendment to the Use Agreement with Florence Marina City, Inc., sponsored by Todd Nix. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 09/01/09 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)**

13. General Business:

- (a) Ordinance to Rezone Cherry Hill Homes located at Florence Blvd from R-2 (Single Family Residential/Small lots) to R-3 (Multi-Family Residential District) as requested by Florence Housing Authority.
- (b) Ordinance to Rezone Thompson Street adjoining Cherry Hill Homes from I-1 (Industrial District to R-3 (Multi-Family Residential) as requested by Florence Housing Authority.
- (c) Resolution authorizing the City to appropriate the following sums for the Electricity Department Budget, reflecting projected revenues of \$119,500,000.00 and projected expenses of \$116,076,700.00 for fiscal year ending June 30, 2010, and shall not appropriate an amount in excess of its annual legally authorized revenue, sponsored by Mayor Irons.
- (d) Resolution – Alcohol Beverage License Application for the operation of a Specialty-Menu Restaurant with On-Premises Beer & Wine by EXOTIC WINGS OF FLORENCE, LLC, d/b/a EXOTIC WINGS, located at 1265 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (e) Board Openings within the next 90 days or less:

| <u>Board</u> | <u>Member</u> | <u>Appointed</u> | <u>Expire</u> |
|----------------|---------------|------------------|---------------|
| City Historian | | | |
| Tourism | Bill Hunt | 08/28/03 | 09/30/09 |

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 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 presented a Proclamation designating the month of October as Firefighters Appreciation Month. The Proclamation was requested and promoted by the Muscular Dystrophy Association and was received by Ms. Jennifer Elliott, MDA.

Mayor Irons presented a Proclamation designating the month of September as “National Alcohol & Drug Addiction Recovery Month in the City of Florence. The Proclamation was received by Mr. Tony Faulkner.

Mayor Irons presented a Proclamation designating Saturday, September 26, 2009, as Alzheimer Awareness Day. The Proclamation was received by Mr. Jerry Adams.

Mayor Irons noted that last Saturday kicked off the soccer season at the Sportsplex. Mayor Irons also noted that there are over 750 people involved this fall in soccer, baseball and softball. Mayor Irons encouraged everyone to come and enjoy our Sportsplex.

Reports of Department Heads: None

Reports of Standing Committees:

Councilmember Graham noted that the Utilities Committee met to discuss the Electricity Department's budget for the year ending June 30, 2010. Councilmember Graham noted that in attendance were Mayor Irons, Steve Price, Councilmember Morris, Councilmember Graham, Vance Young, Councilmember Jordan and Richard Morrissey. Councilmember Graham also noted that copies of the proposed budget was presented. After discussion, the Committee agreed to recommend the proposed budget to the City Council.

Councilmember Jordan stated that the Finance Committee also attended the Utilities Committee meeting and were in agreement with the recommendation to the City Council.

Public Hearings:

President Barnhart noted that this was the time and date, as advertised, for a public hearing regarding the proposed rezoning of Cherry Hill Homes property located at Florence Blvd from R-2 (Single Family Residential/Small lots) to R-3 (Multi-Family Residential District) and property located on Thompson Street adjoining Cherry Hill Homes from I-1 (Industrial District to R-3 (Multi-Family Residential) as requested by Florence Housing Authority.

Melissa Bailey, Planning Director, stated that both rezonings are adjoining properties.

President Barnhart noted that there were no comments from the public.

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 September 1, 2009 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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 authorizing the City to approve an Amendment to the Use Agreement with Florence marina City, Inc., sponsored by Todd Nix. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 09/01/09 COUNCIL MEETING. A VOTED FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)** Said Resolution follows, to wit:

Councilmember Morris moved for adoption of the foregoing resolution. Councilmember Pendleton seconded the motion.

Discussion:

Councilmember Jordan made comments in opposition to the resolution. Councilmember Jordan stated that he had received input from the developer and ADEM and because of the Harbor's size, is opposed to this development. Councilmember Jordan also stated that this project could have an adverse effect on fishing tournaments.

Councilmember Pendleton made comments in favor of the resolution. Councilmember Pendleton stated that fishing from the docks is not allowed. Councilmember Pendleton stated that we should be applauding Ms. Scull in her efforts to improve the marina. Councilmember Pendleton also stated that we have information from bass tournament officials stating that the renovations will not effect the fishing tournaments.

Councilmember Morris made comments in favor of the resolution. Councilmember Morris stated that renovating the marina will have a positive economic impact for the City.

Councilmember Jordan stated that docks are for fishing also, in addition to boat docks.

Councilmember Morris made comments regarding the letter from bass tournament officials.

Discussion concerning the resolution continued between Councilmember Jordan, Councilmember Pendleton and Councilmember Morris.

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

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
Barry Morris
James H Barnhart
Andrew Betterton

Noes: William D. Jordan

City Clerk, Robert M. Leyde, presented an Ordinance to Rezone Cherry Hill Homes located at Florence Blvd from R-2 (Single Family Residential/Small lots) to R-3 (Multi-Family Residential District) as requested by Florence Housing Authority. Said ordinance follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing ordinance.

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 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 an Ordinance to Rezone property located on Thompson Street adjoining Cherry Hill Homes from I-1 (Industrial District to R-3 (Multi-Family Residential) as requested by Florence Housing Authority. Said ordinance follows, to wit:

Councilmember Betterton 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 Pendleton moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments in support of the Florence Housing Authority.

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 authorizing the City to appropriate the following sums for the Electricity Department Budget, reflecting projected revenues of \$119,500,000.00 and projected expenses of \$116,076,700.00 for fiscal year ending June 30, 2010, and shall not appropriate an amount in excess of its annual legally authorized revenue, sponsored by Mayor Irons. 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 Jordan moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Jordan thanked Mayor Irons, Vance Young and Richard Morrissey for their hard work on this budget.

Councilmember Pendleton made comments regarding TVA.

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 Specialty-Menu Restaurant with On-Premises Beer & Wine by EXOTIC WINGS OF FLORENCE, LLC, d/b/a EXOTIC WINGS, located at 1265 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said resolution follows, to wit:

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

Discussion:

Councilmember Pendleton made comments in support of this resolution. Councilmember Pendleton stated that there has been a lot of growth in the area of this restaurant.

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:

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

| <u>Board</u> | <u>Member</u> | <u>Appointed</u> | <u>Expire</u> |
|----------------|---------------|------------------|---------------|
| City Historian | | | |
| Tourism | Bill Hunt | 08/28/03 | 09/30/09 |

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

Eva Scull, Florence Harbor Marina, appeared and read comments from an e-mail in support of the renovations at the Florence Harbor that was sent by Mr. Ron Lappan, Tournament Director of FLW Outdoors. Ms. Scull stated that this e-mail should answer any questions concerning fishing tournaments.

Barbara Hill, 769 Sannoner Avenue, appeared and thanked Councilmember Jordan and Councilmember Morris for their support in the clean-up of the Indian Mound.

Ms. Hill thanked Frank Townsell, Cemetery Sexton, and his crew for their efforts to clean up the Florence Cemetery. Ms. Hill also noted that on March 11, 2009, the Florence Cemetery was added to the Alabama Historic Cemetery Register. Ms. Hill also noted that there are only two cemeteries in Lauderdale County that have this distinction.

Billy Ray Simpson, 1734 Ingleside Avenue, appeared and made comments regarding President Obama's speech to school children. Mr. Simpson stated that he was disappointed that people were calling schools in an effort to stop the broadcasting of President Obama's speech.

Rogers Kimbrell, 307 Davis Street, appeared and made comments regarding the .65 cent tax on a package of cigarettes. Mr. Kimbrell stated that the tax revenue collected on cigarettes did not cover the cost of health care for smokers.

Council Reports and/or Comments:

Councilmember Pendleton made comments in reference Mr. Kimbrell's comments regarding cigarettes. Councilmember Pendleton stated that the tax that the Federal Government imposed on cigarettes goes to fund the State Children's Health Insurance Program. Councilmember Pendleton stated that cigarette smokers are paying for our children's health insurance.

Councilmember Pendleton made comments regarding Social Security, Medicare and health care. Councilmember Pendleton stated he wants our government to provide insurance for our children.

Councilmember Jordan thanked Ms. Barbara Tubbs Hill for her comments concerning the Florence Cemetery.

Councilmember Jordan made comments concerning the Florence Harbor. Councilmember Jordan stated that the Harbor is very special to him. Councilmember Jordan also stated that he wants to make sure that what ever is done at the Harbor will be beneficial to the citizens of Florence. Councilmember Jordan also presented a petition containing 1,000 names of people who are opposed to the renovations at the Florence Harbor to City Clerk, Robert Leyde.

Councilmember Graham commended members of the Florence Fire Department for its fund raising efforts. Councilmember Graham also commended Mayor Irons, Vance Young and Richard Morrissey for their work on the Florence Electricity Budget. Councilmember Graham also commended Todd Nix, Community Services Director, and employees of the Florence Parks & Recreation

Department for their work on the soccer fields.

Councilmember Graham reminded everyone of the District 3 Community Meeting on October 27th at Broadway Recreation Center. Councilmember Graham noted that the meeting will begin at 6:00 p.m.

Councilmember Morris made comments regarding medical care. Councilmember Morris noted that Medicare is thirty -seven trillion dollars in debt. Councilmember Morris stated that we need to be very careful on establishing a government run healthcare system.

Councilmember Morris thanked Mayor Irons for his attention to drug and alcohol rehabilitation. Councilmember Morris thanked Ms. Hill for bringing areas of our City that are not up to par to the City Council's attention.

Councilmember Betterton thanked Florence Chief Singleton and Bill Batson, City Engineer, for their input in regards to traffic concerns. Councilmember Betterton also thanked Ms. Hill for her comments regarding the Florence Cemetery and the Indian Mound Museum.

Councilmember Betterton made comments regarding the Florence Sportsplex. Councilmember Betterton stated that it is a great asset to the City.

President Barnhart had no comments.

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

ATTEST:

CITY CLERK