

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
October 20, 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, October 20, 2009. President Barnhart called the meeting to order. City 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

October 20, 2009

5:00 P. M.

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

- (a) Approval of minutes of the Regular Meeting held on October 6, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution to approve a contract with Children's Museum of the Shoals, Inc., in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (d) Resolution to approve a contract with the Boys and Girls Club of Northwest Alabama, in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.

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- (e) Resolution to approve a contract with Burrell Normal - Burrell High - Burrell Slater School Alumni Association to provide for the delivery of meals for homebound elderly, sick persons and handicapped in West Florence; encourage at-risk students to stay in school and dropouts to return to school or complete GED and encourage citizens to cooperate with law enforcement in crime prevention and gang suppression, in the amount of \$10,000.00, to be paid from budgeted funds sponsored by Mayor Bobby Irons and the City Council.
- (f) Resolution to approve a contract with the Colbert-Lauderdale Attention Homes, Inc., in the amount of \$15,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (g) Resolution to approve a contract with the Court Appointed Special Advocates for Children of Florence/Lauderdale County (CASA), in the amount of \$3,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (h) Resolution to approve a contract with the Community Action Agency of Northwest Alabama, Inc., in the amount of \$6,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (i) Resolution to approve a contract with the Community Action Agency of Northwest Alabama, Inc. - Meals on Wheels, in the amount of \$7,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (j) Resolution to approve a contract with the Foster Grandparents Program, in the amount of \$4,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (k) Resolution to approve a contract with the ARC of the Shoals, Inc., in the amount of \$11,200.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (l) Resolution to approve a contract with Hospice of the Shoals, in the amount of \$3,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (m) Resolution to approve a contract with Mainstream Development Corporation, Inc., in the amount of \$5,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (n) Resolution to approve a contract with Maud Lindsey Kindergarten, Inc., in the amount of \$12,825.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (o) Resolution to approve a contract with the Muscle Shoals Area Interdenominational Ministerial Alliance of Alabama, in the amount of \$4,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (p) Resolution to approve a contract with the Music Preservation Society, Inc., in the amount of \$15,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (q) Resolution to approve a contract with the Cramer Children's Center, Inc., in the amount of \$5,000.00 to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (r) Resolution to approve a contract with the Northwest Alabama Community Health Association, in the amount of \$5,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (s) Resolution to approve a contract with Rape Response, Inc., in the amount of \$2,500.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (t) Resolution to approve a contract with Safeplace, Inc., in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.

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- (u) Resolution to approve a contract with the Salvation Army, in the amount of \$4,800.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (v) Resolution to approve a contract with the Shoals Chamber of Commerce to assist with the construction of the Center for Business and Economic Development for the promotion of commerce, labor and all other resources in the City and the location and promotion of industrial and manufacturing plants and other businesses within the City, in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (w) Resolution to approve a contract with the Shoals Family Success Center, Inc., in the amount of \$5,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (x) Resolution to approve a contract with the Shoals Area Committee on Employment of People With Disabilities, Inc., in the amount of \$2,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (y) Resolution to approve a contract with the Shoals National Championship Committee, Inc., in the amount of \$10,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and the City Council.
- (z) Resolution to approve a contract with Florence Main Street, Inc., in the amount of \$50,000.00, to be paid from budgeted funds in monthly installments, sponsored by Mayor Irons and the City Council.
- (aa) Resolution authorizing the City to enter into a contract with Andy Brown, DBA Visionary Art and Design, to provide labor, equipment, materials and incidentals necessary to install a new water fountain at the corner of Seminary Street and Mobile Street, in the amount of \$17,700.00, to be paid from budgeted funds, sponsored by Dick Jordan.
- (bb) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., to perform civil engineering, field surveys, and prepare contract plans for ALDOT Project #STMOA-PE09(912), 2009 Stimulus Paving Project, Resurface Hermitage Drive from Royal Avenue to SR-17, North Pine Street and South Pine Street, to be paid according to the attached fee schedule, sponsored by Bill Batson.
- (cc) Resolution authorizing the City to enter into a contract with the Boys and Girls Club of Northwest Alabama, Inc., to provide quality youth learning opportunities and other programs for youth in low and moderate income families in accordance with the approved Action Plan, in the amount of \$16,000.00, to be paid from budgeted funds, sponsored by Phil Stevenson.
- (dd) Resolution authorizing a Commercial Leveraging Loan to Benji Wilson of Landhome Realty, LLC, for the property located at 112 South Pine Street, in the amount of \$50,000.00 to be paid from Community Development Funds, sponsored by Phil Stevenson.
- (ee) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Resolution to vacate all of Imperial Drive abutting Lot 14, Block 5 and Lot 23, Block 1 WINDSOR HEIGHTS SUBDIVISION, subject to the retention, by the City of Florence, of easements for utility services over and under the entire public street right-of-way, sponsored by Bill Musgrove.
- (b) Resolution to select Jan Ingle as the City's candidate for the joint City/County appointment to the Florence/Lauderdale Tourism Board to fill the position created by the expiration of Bill Hunt's term, sponsored by the City Council.

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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>
City Historian			
Parks and Rec	Bill Burke	01/06/09	10/30/09
	Travis Elliott	09/04/01	10/30/09

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 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 Ms. Judy Hood ,International Paper and Ms. Debbie Wilson, Florence-Lauderdale Tourism Director . Ms. Hood presented a \$7,000.00 grant check to the Tourism Bureau for the 2009 Earth Day Celebration activities.

Mayor Irons presented a Proclamation to the family of Mr. William McDonald, better known as Bill McDonald, who passed away in June. Mayor Irons noted that Mr. McDonald served as the City's Historian and prior to that, he served on the Florence Historical Board for 25 years.

Mayor Irons made comments regarding the “Stewart Cink Days” this past weekend. Mayor Irons thanked everyone who participated in this celebration. Mayor Irons stated that he wanted to especially thank the co-chairpersons of the committee, Chris and Patricia Burns, for coordinating the event.

Mayor Irons expressed his deepest sympathy to former City Council Member Tyndal Davis and his wife, Debra, on the loss of their son, Ty.

Reports of Department Heads: None

Reports of Standing Committees: None

Public Hearings: None

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

Rogers Kimbrell, 307 Davis Avenue, appeared and made comments in opposition to Consent Agenda Item 11(aa) Resolution authorizing the City to enter into a contract with Andy Brown, DBA Visionary Art and Design, to provide labor, equipment, materials and incidentals necessary to install a new water fountain at the corner of Seminary Street and Mobile Street, in the amount of \$17,700.00, to be paid from budgeted funds, sponsored by Dick Jordan. Mr. Kimbrell stated that the City needs to save the \$17,700.00.

Bill Smoat, Roberts Lane, appeared and made comments regarding Consent Agenda Item 11 (bb) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., to perform civil engineering, field surveys, and prepare contract plans for ALDOT Project #STMOA-PE09(912), 2009 Stimulus Paving Project, Resurface Hermitage Drive from Royal Avenue to SR-17, North Pine Street and South Pine Street, to be paid according to the attached fee schedule, sponsored by Bill Batson. Mr. Smoat asked that the City require the paving contractor to pave the manhole covers.

Charles Harlan, Berry Avenue, appeared and made comments regarding the seventeen agencies that are receiving funds from the City. Mr. Harlan stated that the City should choose to fund only one agency instead of seventeen.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding Meals On Wheels and Burrell Slater.

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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 October 6, 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 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

Regular Agenda:

City Clerk, Robert M. Leyde, presented a Resolution to vacate all of Imperial Drive abutting Lot 14, Block 5 and Lot 23, Block 1 WINDSOR HEIGHTS SUBDIVISION, subject to the retention, by the City of Florence, of easements for utility services over and under the entire public street right-of-way, sponsored by Bill Musgrove. Said Resolution follows, to wit:

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Councilmember Pendleton 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 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 select Jan Ingle as the City's candidate for the joint City/County appointment to the Florence/Lauderdale Tourism Board to fill the position created by the expiration of Bill Hunt's term, sponsored by the City Council. Said Resolution follows, to wit:

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

Discussion:

Councilmember Pendleton made comments regarding joint appointments with Lauderdale County and the number of calendar days that appointees serve. Councilmember Pendleton read a memo that he sent to the City Councilmembers and Mayor Irons regarding the law that states a four-year term is equal to 1,460 calendar days. Councilmember Pendleton also stated that Mr. Bill Hunt's term on the Florence/Lauderdale Tourism Board will actually expire on December 11, 2009. Councilmember Pendleton stated that we have not been giving our appointees a full four year term. Councilmember Pendleton also stated that we need to make corrections regarding expiration dates.

President Barnhart relinquished the chair to President Pro-tem Graham.

President Barnhart made comments regarding the number of days that appointees serve. President Barnhart stated that he did not agree with Councilmember Pendleton.

Councilmember Pendleton made comments in rebuttal to President Barnhart's comments. Councilmember Pendleton stated that we did not treat Mr. Hunt fairly regarding his term.

Councilmember Betterton stated that the goal of this resolution is to appoint someone who is fully engaged to serve on this Board. Councilmember Betterton also stated that we should move forward and thoughtfully consider Councilmember Pendleton's remarks.

Councilmember Morris stated that he seconds Councilmember Betterton's comments. Councilmember Morris also stated that he agrees with Councilmember Pendleton's definition of one year. Councilmember Morris stated that if Councilmember Pendleton's definition is correct, then we have time to work with the Lauderdale County Commission in making a joint appointment to this Board.

Councilmember Pendleton made comments regarding Lauderdale County's role in selecting joint appointments. Councilmember Pendleton stated that the City should be represented properly.

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

President Pro-tem Graham relinquished the chair back to President Barnhart.

Discussion:

Councilmember Jordan asked “ what was the final decision?”

President Barnhart stated that since the Council voted to approve Ms. Jan Ingle, he would draft a letter to the Lauderdale County Commission notifying them of the City Council’s decision.

Councilmember Pendleton stated that we need to meet with the Lauderdale County Commission and discuss this matter, not send a letter.

Councilmember Morris stated that we need to meet with the Lauderdale County Commission to try and reach a compromise on our joint appointment.

President Barnhart stated that we first need to draft a letter informing the Lauderdale County Commission of our official decision and then request a meeting.

Councilmember Pendleton made comments regarding the calculations of days on a term.

Councilmember Jordan asked Mr. Bill Musgrove, City Attorney, to research this matter.

Board Openings:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
City Historian			
Parks and Rec	Bill Burke	01/06/09	10/30/09
	Travis Elliott	09/04/01	10/30/09

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

Charles Harlan, Berry Avenue, appeared and thanked the City Council for passing a No Smoking Ordinance. Mr. Berry stated that this ordinance is a safety and health issue, not a rights issue.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding the Florence City School Board. Mr. Simpson thanked the School Board for planning a meeting on October 24th with Mayor Irons and the City Council to discuss improvements for Handy School.

Council Reports and/or Comments:

Councilmember Graham commended Mr. Bill McDonald and family. Councilmember Graham also extended his sympathies to the Tyndal Davis family on the death of their son.

Councilmember Graham congratulated the UNA football team for being ranked number one.

Councilmember Graham reminded everyone of the District 3 Community meeting on October 29th at the Broadway Recreation Center. The meeting will begin at 6:00 p.m.

Councilmember Morris extended sympathies to Mr. Tyndal Davis on the death of his son, Ty.

Councilmember Morris made comments regarding funds that were approved to assist local non-profit agencies. Councilmember Morris stated that each appropriation was given a great deal of consideration.

Councilmember Betterton made comments regarding the "Stewart Cink Days" celebration. Councilmember Betterton stated that it was a great success.

Councilmember Betterton stated that it was an honor for him to sing at Mr. Bill McDonald's funeral.

Councilmember Pendleton made comments regarding agencies who were approved to receive funds from the City. Councilmember Pendleton stated that these organizations are strengthening our communities. Councilmember Pendleton also stated that each of these agencies are working to bring our City together.

Councilmember Pendleton noted that twenty dilapidated buildings in West Florence are scheduled to be torn down by the City.

Councilmember Jordan expressed his sympathies to the Tyndal Davis family.

Councilmember Jordan made comments regarding the consent agenda appropriations. Councilmember Jordan stated that these appropriations improve the quality of life for many people in this area. Councilmember Jordan also stated that even with a tight budget, we were still able to maintain the level of funding to these organizations .

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Councilmember Jordan made comments regarding board appointments and re-appointments. Councilmember Jordan stated that the City Council should not only look at attendance to meetings but also look at how well someone works with others.

President Barnhart made comments regarding the appropriations on tonight's agenda. President Barnhart stated that we are our brother's keeper and that he was proud of each of the appropriations.

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

ATTEST:

CITY CLERK