

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
January 5, 2010**

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, January 5, 2010. President Barnhart called the meeting to order. Mayor Irons gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that five Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., Barry Morris, James H. Barnhart, William D. Jordan and Andrew Betterton. Councilmember Hermon T. Graham was absent.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

January 5, 2010

5:00 P. M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Mayor Irons
 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) Public hearing to amend the Code of Florence, AL, as amended, Appendix C-Zoning, Section III, District Regulations; Subsection (F), chart of permitted uses.
 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 December 15, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Osmose Utilities Services, Inc., to provide labor, equipment, materials and incidentals necessary to inspect, provide chemical treatment and restoration services for selected wooden distribution and transmission poles in the City of Florence Utilities Electricity Departments service area at a cost not to exceed \$50,000.00, to be paid from Budgeted Funds, sponsored by Richard Morrissey.
- (d) Resolution authorizing the City to enter into a Contract Agreement with ANCO , a Division of Chem-Aqua, Inc., to provide a professional Water Treatment Program for the Cooling Water at a cost of \$230.83 per month, to be paid from Budgeted Funds, sponsored by Dan Barger.

- (e) Resolution to accept a proposal for an excess loss health insurance policy, said coverage to be effective January 1, 2010, from Blue Cross/Blue Shield, sponsored by Barry Brewer.
- (f) Resolution authorizing the City to settle the lawsuit filed against the City by Martha Rowell for an amount not to exceed \$15,000.00, sponsored by Bill Musgrove.
- (g) Resolution to approve an Agreement with Miranda M. Haddock for the provision of transcription services to the Florence Police Department for a period of one year at a cost of \$2.00 per page to be paid from Budgeted Funds, sponsored by Chief Rick Singleton.
- (h) Resolution authorizing the City to approve a grant from the Lauderdale County Community Development Commission for \$7,500.00 to purchase communications equipment for the City of Florence Fire/Rescue Department, sponsored by Chief Charlie Cochran.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance amending the Code of Florence, AL, as amended, Appendix C-Zoning, Section III, District Regulations; Subsection (F), chart of permitted uses, sponsored by Melissa Bailey.
- (b) Resolution authorizing the Mayor, Finance Committee, City Attorney and City Treasurer to formulate and draft proposed legislation to dissolve the Florence/Lauderdale Tourism Board and create a City of Florence Tourism Board sponsored by Councilmember Pendleton **(This item was added to the agenda at today's work session)**

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>
Historical Board	Vacancy		
Library Board (Regional)	Drucilla S. Gambrell (Joint)	05/05/98	01/28/10

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.

Prior to reviewing the agenda, President Barnhart noted that Councilmember Graham recently underwent four heart bypasses and is currently recuperating very well. President Barnhart also noted that the Salvation Army will re-open tonight.

President Barnhart noted that the City Council decided at it's earlier work session to add Regular Agenda Item 12(b) Resolution to dissolve the Florence/Lauderdale Tourism Board and to create a City of Florence Tourism Board.

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President Barnhart asked for a motion for approval of the amended agenda.

Councilmember Jordan moved for approval of the amended agenda. Councilmember Betterton seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Message from the Mayor: None

Reports of Department Heads:

Florence Police Deputy Chief Tim Shaddix announced that the Police Department is having a Beard for Bucks Fund Raiser for the Police Officer's Memorial Fund.

Reports of Standing Committees: None

Public Hearings:

President Barnhart noted that this was the time and date, as advertised, for a public hearing regarding the proposed changes to the Code of Florence, Appendix C-Zoning, Chart of permitted uses.

Melissa Bailey, Planning Director, read the proposed twenty-two changes.

There were no public comments.

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 Pendleton moved for approval of (a) Approval of minutes of the Regular Meeting on December 15, 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.
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance amending the Code of Florence, AL, as amended, Appendix C-Zoning, Section III, District Regulations; Subsection (F), chart of permitted uses, sponsored by Melissa Bailey. Said ordinance follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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

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

Ayes: Sam Pendleton, Jr.
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the Mayor, Finance Committee, City Attorney and City Treasurer to formulate and draft proposed legislation to dissolve the Florence/Lauderdale Tourism Board and create a City of Florence Tourism Board sponsored by Councilmember Pendleton. Said resolution follows, to wit:

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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.
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton stated that the Board should be expanded to seven members and should include the hotel industry. Councilmember Pendleton stated that the City needs to move forward in a different direction.

Councilmember Betterton asked about the timetable for this resolution.

Councilmember Pendleton stated that Mr. Hunt's term has expired. Councilmember Pendleton stated that the board would continue until this process has been settled with the legislature.

Councilmember Morris stated that he supports this resolution one hundred percent. Councilmember Morris also stated that it is apparent that we are unable to work well with Lauderdale County. Councilmember Morris stated that tourism is too important to the economy to be bickering over this issue.

Councilmember Jordan stated that he is in support of this resolution. Councilmember Jordan stated that once we get the legislature's approval, it will then come back to the City Council for a final vote.

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

Ayes: Sam Pendleton, Jr.
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Pendleton asked questions regarding the legalities of an unauthorized board member whose term has expired yet attends board meetings and continues to vote as a board member. Councilmember Pendleton stated he would schedule a meeting with City Attorney Bill Musgrove.

General Business

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Historical Board	Vacancy		
Library Board (Regional)	Drucilla S. Gambrell (Joint)	05/05/98	01/28/10

President Barnhart stated that Mr. Robert Steen has been appointed to the Historical Board and that appointment will be finalized at the next City Council meeting.

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

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and apologized for calling Cypress Creek people “Shoals Creek” people at the last City Council meeting. Mr. Simpson also welcomed the new leadership at the TimesDaily Newspaper.

Council Reports and/or Comments:

Councilmember Morris noted that the Florence Lauderdale Tourism Board is meeting Thursday. Councilmember Morris stated that the City Council had previously voted unanimously that Mr. Hunt does not represent the City on the Tourism Board. Councilmember Morris also stated that Mr. Hunt should not vote on any issues because his term has expired.

Councilmember Betterton thanked the citizens that have brought him helpful information regarding environmental issues. Councilmember Betterton stated that citizens have also brought to his attention safety concerns regarding speed limits. Councilmember Betterton stated that the City Council has spoken to Chief Singleton and Engineer Bill Batson regarding these recommendations.

Councilmember Pendleton made comments regarding board appointments and the vacancy on the Tourism Board. Councilmember Pendleton stated that the official term for Mr. Hunt expired on December 11, 2009. Councilmember Pendleton also stated that the City Council sent a

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letter to the Tourism Board stating that Mr. Hunt's term had expired. Councilmember Pendleton stated that there is now a vacancy on the Tourism Board.

Councilmember Pendleton made comments regarding the TimesDaily Newspaper.

Councilmember Pendleton stated that the TimesDaily slices and dices the truth to make others look bad.

Councilmember Jordan made comments regarding environmental studies being performed at the Florence Golf & Country Club property. Councilmember Jordan stated that LAI of Birmingham is currently testing the property to determine if expansion of the landfill is suitable. Councilmember Jordan also stated that GO Source has performed phase one of the environmental site assessment and has found no recognizable environmental conditions pertaining to hazardous substances or petroleum products.

President Barnhart had no comments.

Councilmember Betterton made a motion to adjourn the meeting. Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
William D. Jordan
Barry Morris
James H Barnhart
Andrew Betterton

Noes: None

City Clerk Robert M. Leyde presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

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