

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
APRIL 6, 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, April 6, 2010. President Barnhart called the meeting to order. Police Chief Rick Singleton 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

April 6, 2010

5:00 P.M.

-
1. Meeting called to order - President Barnhart
 2. Invocation - Chief Singleton
 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 March 23, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Butler Construction Company, LLC, to provide labor, equipment, materials and incidentals necessary for the renovations to Mobile Plaza, in the amount of \$220,550.00, to be paid from budgeted funds, sponsored by Councilman Jordan. **(This item was moved to Regular Agenda Item 12 (c))**
- (d) 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.

- (e) Resolution authorizing the City to donate a 2001 Crown Victoria, which is no longer needed for public or municipal purposes, to Northwest Shoals Community College, an agency of the State of Alabama, sponsored by Chief Singleton.
- (f) Resolution authorizing the City to enter in a contract with Payne Environmental Services, a division of Payne Management, Inc., to update, revise, and/or consolidate the City of Florence Utilities Gas Department's Operations and Maintenance (O&M) Manual, Operator Qualification (OQ) Plan, and Emergency Procedures Manual, in the amount of \$5,250.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (g) Resolution authorizing the City to enter into a contract with White, Lynn, Collins and Associates, Inc., to perform Construction Engineering and Inspection Services for ALDOT Project #STMOA-CN10(919), Stimulus Paving Project, resurfacing and traffic striping on portions of South Pine Street, North Pine Street and Hermitage Drive, in an amount not to exceed \$56,220.00 (reimbursed by the State), sponsored by Bill Batson.
- (h) Resolution authorizing the City to enter into a contract with Estes Equipment Company, Inc., to provide labor, equipment, materials and incidentals necessary to replace the two spill containment manholes at the Sanitary Landfill and Fire Station No. 1, in the amount of \$4,796.00, to be paid from budgeted funds, sponsored by David Koonce.
- (i) Resolution to repeal the Resolution adopted on October 20, 2009, appointing Jan Ingle as member of the Florence-Lauderdale Tourism Board, and to appoint Joey Mecke as a member of the Florence-Lauderdale Tourism Board to fill the vacancy created by the expiration of Bill Hunt's term, sponsored by the City Council.
- (j) Resolution authorizing the City to enter into a contract with Pro Grass LLC, to provide labor, equipment, materials and incidentals necessary to install an artificial surface to the football playing field at Braly Municipal Stadium, in the amount of \$473,470.00 (reimbursed by the University of North Alabama and the Board of Education), sponsored by Todd Nix. **(This item was moved to Regular Agenda Item 12 (d))**
- (k) Resolution authorizing the City to enter into a contract with A-1 Fence Company to provide labor, equipment, materials and incidentals necessary to perform repairs to the fence at the Water Department Warehouse, in the amount of \$2,981.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (l) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.
- (m) Resolution authorizing the City to enter into a contract with Delta Fountains, Inc. to provide labor, equipment, materials and incidentals necessary to perform repairs to start up the River Heritage Fountain and install parts already on site in the amount of \$6,450.00 to be paid from budgeted funds, sponsored by Todd Nix.

12. Regular Agenda:

- (a) Resolution to vacate a part of Lincoln Street, sponsored by Bill Musgrove. **(This item was removed by the sponsor)**
- (b) Resolution supporting the implementation of the West Florence Neighborhood Plan, sponsored by Mayor Irons, Councilmen Barnhart and Pendleton.
- (c) Resolution authorizing the City to enter into a contract with Butler Construction Company, LLC, to provide labor, equipment, materials and incidentals necessary for the renovations to Mobile Plaza, in the amount of \$220,550.00, to be paid from budgeted funds, sponsored by Councilman Jordan. **(This item was moved from Consent Agenda Item 11 (c))**

- (d) Resolution authorizing the City to enter into a contract with Pro Grass LLC, to provide labor, equipment, materials and incidentals necessary to install an artificial surface to the football playing field at Braly Municipal Stadium, in the amount of \$473,470.00 (reimbursed by the University of North Alabama and the Board of Education), sponsored by Todd Nix. **(This item was moved from Consent Agenda Item 11 (j))**

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Package Liquor Store with Off-Premises Liquor, Beer & Wine by GANGAR INC., d/b/a SK PACKAGE STORE 2, located at 3323 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by LESLIE WILSON, d/b/a DISH GOURMET CAFÉ, located at 118 WEST MOBILE 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>Expire</u>
Civil Service Board	Howard Robinson	12/06/05	04/10
	Thomas Darby	04/19/05	04/10

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 noted that at the earlier Work Session, it was decided to move Consent Agenda Item 11 (c) Resolution authorizing the City to enter into a contract with Butler Construction Company, LLC, to provide labor, equipment, materials and incidentals necessary for the renovations to Mobile Plaza, in the amount of \$220,550.00, to be paid from budgeted funds, sponsored by Councilman Jordan to Regular Agenda Item 12 (c) and to move Consent Agenda Item 11 (j) Resolution authorizing the City to enter into a contract with Pro Grass LLC, to provide labor, equipment, materials and incidentals necessary to install an artificial surface to the football playing field at Braly Municipal Stadium, in the amount of \$473,470.00 (reimbursed by the University of North Alabama and the Board of Education), sponsored by Todd Nix to Regular Agenda Item 12 (d). President Barnhart also noted that Regular Agenda Item 12 (a) Resolution to vacate a part of Lincoln Street, sponsored by Bill Musgrove was removed by the sponsor.

There being no other changes, President Barnhart asked for a motion for approval of the amended agenda. Councilmember Betterton moved for approval of the agenda.

Councilmember Graham 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

Message from the Mayor:

Mayor Irons recognized Ms. Melissa Bailey, City's Planning Director, and Ms. Odessa Bailey, Chairperson of the West Florence Redevelopment Committee. Mayor Irons noted that the Neighborhood Plan for the redevelopment of West Florence has received the 2010 Outstanding Planning Award from the Alabama Chapter of the American Planning Association.

Mayor Irons presented a Proclamation designating the month of April as "Fair Housing" Month. The proclamation was received by Ms. Brenda Wright, Community Development Rehabilitation Director.

Mayor Irons presented a Proclamation designating the month of April as "Donate Life Month". The proclamation was received by Ms. Jackie Simpson Whatley, Certified Procurement Transplant Co-ordinator for the Alabama Organ Center.

Mayor Irons presented a Proclamation designating the month of April as "Earth Month" and City-wide Clean-up Month. The Proclamation was received by Ms. Nancy Muse, Shoals Environmental Alliance, Ms. Rachel Mansell, Florence Recycling Education Co-ordinator, Mr. David Koonce, Solid Waste, Street, and Recycling Manager, Mr. Paul Graham, Urban Forester/Horticulturist and also Chairperson of the "Keep the Shoals Beautiful" Committee and others.

Mayor Irons recognized the Litter Pick-up Employees from the Solid Waste, Street and Recycling Department. Mayor Irons noted that the employees recently received a plaque of appreciation at the Shoals Chamber of Commerce annual meeting.

Mayor Irons noted that Saturday, April 10, is City-Wide Cleanup Day. Mayor Irons encouraged everyone that can to participate.

Mayor Irons reminded everyone to be sure and complete your Census Forms. Mayor Irons noted that it is very important for everyone to be counted.

Mayor Irons made comments regarding the City's budget. Mayor Irons stated that sales tax revenue for February and March continues to be down from the same months last year, causing a 2.37% shortfall for the first 5 months of this fiscal year. Mayor Irons also stated that the City's operating expenses continue to be managed very efficiently by Department Heads in an effort to control spending. Mayor Irons noted that it is fortunate that the City's revenue has held up much better than most cities and that there is continued growth in the City's retail and commercial segments of our economy. Mayor Irons also noted that the recession is not over and therefore we must continue to maintain a tight control on our spending so that at the year's end we have a balanced budget.

Reports of Department Heads:

Police Chief Rick Singleton administered the Oath of Office to five new police officers.

Chief Singleton noted that there will be a Blue Knight Motorcycle Ride fund-raiser on April 17th and a trail ride on April 24th. Chief Singleton stated that both fund-raisers will benefit the Florence Police Memorial Statue fund.

Reports of Standing Committees:

Councilmember Andy Betterton, Chairperson of the Parks & Recreation Committee, read the minutes of the committee meeting. Minutes follow, to wit:

Public Hearings: None

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

Mr. Charles Harlan, Berry Avenue, appeared and expressed his appreciation for the addition of 5 new police officers. Mr. Berry made comments supporting the implementation of the West Florence Neighborhood Plan.

Mr. Bill Smoak, 2424 Roberts Lane, appeared and expressed his appreciation for the City Council moving Consent Agenda Item 11 (j) Resolution authorizing the City to enter into a contract with Pro Grass LLC, to provide labor, equipment, materials and incidentals necessary to install an artificial surface to the football playing field at Braly Municipal Stadium, in the amount of \$473,470.00 (reimbursed by the University of North Alabama and the Board of Education) to the Regular Agenda. Mr. Smoak stated that a project of this cost should not be considered routine.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Pendelton moved for approval of (a) Approval of minutes of the Regular Meeting held on March 23, 2010 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. 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 supporting the implementation of the West Florence Neighborhood Plan, sponsored by Mayor Irons, Councilmen Barnhart and Pendleton. Said resolution, follows to wit:

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Councilmember Betterton 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 Pendleton moved for adoption of the foregoing resolution.
Councilmember Graham 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 authorizing the City to enter into a contract with Butler Construction Company, LLC, to provide labor, equipment, materials and incidentals necessary for the renovations to Mobile Plaza, in the amount of \$220,550.00, to be paid from budgeted funds, sponsored by Councilman Jordan. Said Resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing ordinance. 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 ordinance. Councilmember Morris seconded the motion.

Discussion:

Councilmember Jordan stated that the renovation to Mobile Street will enhance the revitalization of downtown Florence. Councilmember Jordan also stated that it will not only improve the quality of life in the City of Florence, but it will reinforce our position as a major retail outlet.

Councilmember Betterton asked Councilmember Jordan the approximate age of the surface of Mobile Plaza Street. Councilmember Jordan stated that it is approximately 30 years old.

Councilmember Morris made comments in support of the resolution. Councilmember Morris stated that this is a symbol of just how important the downtown area is to the City of Florence.

Councilmember Pendleton stated that a viable downtown area is essential to the people in District 1.

President Barnhart stated that Mobile Plaza is deteriorating and needs to be repaired.

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

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Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Pro Grass LLC, to provide labor, equipment, materials and incidentals necessary to install an artificial surface to the football playing field at Braly Municipal Stadium, in the amount of \$473,470.00 (reimbursed by the University of North Alabama and the Board of Education), sponsored by Todd Nix. Said Resolution, 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.
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.

Discussion:

Councilmember Betterton made comments in support of the resolution. Councilmember Betterton stated that maintenance and repairs on the current surface is just as expensive.

Councilmember Graham made comments in support of the resolution. Councilmember Graham stated that the stadium brings a lot of recognition to the City of Florence because of the NCAA Division II Championship game.

Councilmember Pendleton made comments in support of the resolution.
Councilmember Pendleton stated that we need to continue to move forward.

Councilmember Jordan made comments in support of the resolution. Councilmember Jordan stated that this decision exemplifies our relationship with the school systems.

Councilmember Morris made comments in support of the resolution. Councilmember Morris stated that the Florence City School System and UNA will continue to maintain the stadium.

President Barnhart made comments in support of the resolution. President Barnhart stated that this is a Florence City School System and UNA project and the City of Florence is just loaning the money for the project.

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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 Package Liquor Store with Off-Premises Liquor, Beer & Wine by GANGAR INC., d/b/a SK PACKAGE STORE 2, located at 3323 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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Councilmember Graham 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 Graham 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 – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by LESLIE WILSON, d/b/a DISH GOURMET CAFÉ, located at 118 WEST MOBILE STREET, 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 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 Pendleton moved for adoption of the foregoing resolution.
Councilmember Graham 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:

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Civil Service Board	Howard Robinson	12/06/05	04/10
	Thomas Darby	04/19/05	04/10

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

Mr. Charles Rose, Shoals Environmental Alliance, appeared and presented fliers outlining the schedule of the 2010 Spring Nature outings. Mr. Rose encouraged everyone to attend at least one outing.

Mr. Rose made comments regarding the current landfill. Mr. Rose stated that the landfill is still polluting the creeks and streams.

Mr. Bill Smoak, 2424 Roberts Lane, appeared and again thanked the City Council for moving Consent Agenda Item 11 (j) Resolution authorizing the City to enter into a contract with Pro Grass LLC, to provide labor, equipment, materials and incidentals necessary to install an artificial surface to the football playing field at Braly Municipal Stadium, in the amount of \$473,470.00 (reimbursed by the University of North Alabama and the Board of Education) to the Regular Agenda so more information could be provided to the public.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made general comments. Mr. Simpson stated good things are happening now. Mr. Simpson thanked everyone who is working to revitalize Florence. Mr. Simpson stated that we need to continue to invest in our City.

Council Reports and/or Comments:

Councilmember Morris commended Mayor Irons and Department Heads for their efforts to control spending during the recession.

Councilmember Morris commended those involved with the West Florence Revitalization Plan.

Councilmember Betterton expressed appreciation to Department Heads and others who assist the City Council with decisions.

Councilmember Betterton welcomed home Mr. Nick Perry and wish him well after his transplant.

Councilmember Pendleton recognized KPS Consultants for their work regarding the West Florence Revitalization Plan.

Councilmember Pendleton thanked Mr. Bill Smoak for attending tonight's meeting.

Councilmember Jordan thanked Mr. Charles Rose for attending tonight's meeting.

Councilmember Jordan expressed his appreciation to Councilmember Pendleton for what he has done for Westside and the City of Florence.

Councilmember Graham had to leave early.

President Barnhart had no comments.

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

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

Noes: None

President Barnhart presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK