

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
APRIL 20, 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 20, 2010. President Barnhart called the meeting to order. City Councilmember Graham 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

April 20, 2010

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Graham
 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 April 6, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution to approve the agreement with TVA to reimburse the City for certain expenses incurred in having a Statement on Auditing Standards No. 70 (SAS 70) Type II prepared, sponsored by Vance Young and Richard Morrissey.
- (d) Resolution to approve an Agreement between the City of Florence and TVA regarding the Commercial Efficiency Advice and Incentive Pilot Program, sponsored by Richard Morrissey.

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- (e) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., to provide surveying services to provide State Plane Coordinates and ground sea level elevations to approximately 25 positions for a Dye Trace Study Plan at or near the Florence Landfill, at a cost of \$6,000.00 to be paid from Budgeted Funds, sponsored by David Koonce.
- (f) Resolution to approve a Special Deferred Emergency Repair Loan to Jessiephine Crittenden, 523 Campbell Street, in the amount of \$5,115.00, sponsored by Phil Stevenson.
- (g) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to amend Section 3-2, Code of Florence, Alabama, as amended, Definitions of establishments, places, and premises permitted to apply for license to sell alcohol, regarding cigar bars, sponsored by Bob Leyde.
- (b) Ordinance to amend Section 3-36, Code of Florence, Alabama, as amended, Applicant qualifications; hearings and notice regarding lounge, private club, and premium cigar shop retail liquor applications, regarding cigar bars, sponsored by Bob Leyde.
- (c) Ordinance to amend Section 3-40, Code of Florence, Alabama, as amended, Licenses and fees; bond, regarding cigar bars, sponsored by Bob Leyde.
- (d) Ordinance authorizing early redemption of City of Florence Natural Gas Revenue Warrants, Series 1998, sponsored by Vance Young.
- (e) Resolution to vacate a portion of Lincoln Street in favor of Gabriel L. Mena and Linda L. Mena and W. R. Bagents and Laura S. Bagents, sponsored by Bill Musgrove.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by HUI NING INC., d/b/a MONGOLIAN GRILL BUFFET, located at 121 COX CREEK PARKWAY SOUTH, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) 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 Betterton
 Councilmember Pendleton

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Councilmember Jordan
Councilmember Graham
Councilmember Morris
Councilmember Barnhart

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the 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. Debbie Wilson, Director of the Florence-Lauderdale Tourism Office. Mayor Irons asked Ms. Wilson to come forward and provide information on the up-coming Bass Masters Elite Tournament that the City of Florence is hosting. Ms. Wilson stated that this is the first Bass Masters Elite Tournament to be held in Florence for several years. Ms. Wilson noted that the tournament begins on April 28th and continues until May 1st. Ms. Wilson also noted that the public is invited to come to McFarland Park each day for the weigh-ins.

Mayor Irons gave a report on the recent "Citywide Clean-up Day" that was held on April 10th. Mayor Irons noted that it was a huge success and that 310 volunteers picked up 5,880 pounds of trash from roadways and parks throughout the City.

Mayor Irons reminded everyone of the Earth Day Festival in Wilson Park on Saturday, April 24th. Mayor Irons noted that there will be lots of fun activities for the children.

Mayor Irons asked Ms. Rachel Mansell, Education Coordinator for the City of Florence Recycling Program to come forward and announce the winners of the Litter-Critter Contest that was held in the City of Florence Elementary Schools. Ms. Mansell stated that there were 200

entries and the contest was sponsored by the Centiva Company.

Mayor Irons made comments in support of the Adopt-A-Street program. Mayor Irons noted that if you would like to adopt a street, please contact the Solid Waste & Recycle Department for an application.

Mayor Irons made comments in support of the new Green Team Partnership program. Mayor Irons noted that this is a new program where businesses can join in the effort to practice being a good steward of the environment by incorporating green efforts into their company facility. Mayor Irons also noted that if you would like to join the Green Team Program, please contact the One Stop Shop office, the Recycling Office or the Mayor/Council office for an application. Mayor Irons stated that as a Green Team Partner, you will be given a decal to display to show the community and your customers that you are participating in the program.

Mayor Irons presented a proclamation to Mr. Thomas Trissl and the Centiva Company for their success in a state of the art floor manufacturing business and also by incorporating many green initiative features into his facility. Mayor Irons noted that the “Litter Critter” contests and “Earth Month” are sponsored by Centiva Company.

Reports of Department Heads: None

Reports of Standing Committees:

Councilmember Graham, Chairperson of the Utility Committee read minutes from their meeting on April 15, 2010. Minutes follow, to wit:

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Public Hearings: None

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 April 6, 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 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

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance to amend Section 3-2, Code of Florence, Alabama, as amended, Definitions of establishments, places, and premises permitted to apply for license to sell alcohol, regarding cigar bars, sponsored by Bob Leyde. Said ordinance follows, to wit:

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Councilmember Jordan 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 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 an Ordinance to amend Section 3-36, Code of Florence, Alabama, as amended, Applicant qualifications; hearings and notice regarding lounge, private club, and premium cigar shop retail liquor applications, regarding cigar bars, sponsored by Bob Leyde. Said Ordinance 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 an Ordinance to amend Section 3-40, Code of Florence, Alabama, as amended, Licenses and fees; bond, regarding cigar bars, sponsored by Bob Leyde. Said Ordinance 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 Jordan 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 an Ordinance authorizing early redemption of City of Florence Natural Gas Revenue Warrants, Series 1998, sponsored by Vance Young. Said Ordinance follows, to wit:

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Councilmember Graham 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 Morris moved for adoption of the foregoing resolution. 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 a Resolution to vacate a portion of Lincoln Street in favor of Gabriel L. Mena and Linda L. Mena and W. R. Bagents and Laura S. Bagents, sponsored by Bill Musgrove. Said Resolution follows, to wit:

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Councilmember Morris 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 Morris moved for adoption of the foregoing resolution. 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 a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by HUI NING INC., d/b/a MONGOLIAN GRILL BUFFET, located at 121 COX CREEK PARKWAY SOUTH, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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Councilmember Jordan 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 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

Board Openings:

(b) 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

President Barnhart noted that Mr. Robinson and Mr. Darby have been re-nominated to the Civil Service Board. President Barnhart also noted that Councilmember Graham and Councilmember Betterton have been nominated for the E-911 Board. President Barnhart stated that these nominations will be formalized at the next City Council meeting.

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

Ms. Dora Goodloe, 515 North Cypress Street, appeared and made comments in opposition to the noise from the University of North Alabama Fraternity houses. Ms. Goodloe stated music begins playing at 2:00 p.m. and continues to play until 2:30 a.m. Ms Goodloe

asked the City Council to please help the community with this situation.

HYPE Ministry, Inc., (Helping Young People Excel) appeared and presented to Councilmember Sam Pendleton, Jr. a Humanitarian Award for his many years of service to the community and for his continued support of their outreach programs.

Mr. Billy Ray Simpson, Ingleside Avenue, appeared and made comments regarding noise and loud music.

Council Reports and/or Comments:

Councilmember Betterton made comments regarding the search for the Florence City School System superintendent.

Councilmember Betterton made comments regarding speed limits in residential areas. Councilmember Betterton asked the public for comments and feedbacks regarding lowering the speed limits from 30 mph to 25 mph. Councilmember Betterton stated that this is a matter of safety.

Councilmember Pendleton made comments in support of HYPE Ministries, Inc. Councilmember Pendleton noted that it stands for Helping Young People Excel.

Councilmember Pendleton thanked those in attendance from Centiva.

Councilmember Pendleton made comments regarding the reported noise from Fraternity Row. Councilmember Pendleton noted that he will get in contact with Florence Police Chief Singleton and also UNA Campus Police.

Councilmember Jordan thanked Mayor Irons, David Koonce and Rachel Mansell for the excellent recycling program. Councilmember Jordan also thanked Mr. Trissl and others from Centiva.

Councilmember Jordan congratulated Councilmember Pendleton for his humanitarian award presented by HYPE Ministries.

Councilmember Graham thanked everyone who was involved with the "City-Wide" cleanup.

Councilmember Graham also congratulated Councilmember Pendleton for his award.

Councilmember Graham reminded everyone of the District 1 community meeting on Thursday, April 29th at the Broadway Recreation Center beginning at 6:00 p.m.

Councilmember Morris also congratulated Councilmember Pendleton for his award.

Councilmember Morris made comments in recognition of the Centiva Company.

President Barnhart stated that he agreed with everything that was said tonight.

President Barnhart also encouraged everyone to recycle and congratulated Councilmember

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Pendleton for his award.

Councilmember Morris made a motion to adjourn the meeting. Councilmember Graham 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

Councilmember Morris presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

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