

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
July 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, July 20, 2010. President Barnhart called the meeting to order. EMA Director, George Grabryan 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

July 20, 2010

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - EMA Director, George Grabryan
 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 July 6, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Big River Broadcasting Corporation to advertise and promote the City during the Sam Phillips Music Festival, in the amount of \$7,500.00, to be paid from budgeted funds, sponsored by Mayor Irons and City Council.
- (d) Resolution authorizing the City to enter into a contract with Sammy Jones, DBA Jones Excavation, to provide labor, equipment, materials and incidentals necessary to perform site clean up, add soil, level and/or slope as necessary, and seed the area in an easement at 125 Fairgrounds Road, in the amount of \$2,800.00, to be paid from budgeted funds, sponsored by Mike Doyle.

- (e) Resolution authorizing the City to enter into a contract with McMackin's Business Systems, Inc., to provide labor, equipment, materials and incidentals necessary to relocate an existing Kardex Lektriever and to install a used Kardex Lektriever unit for the Florence Utilities Gas Department, in the amount of \$19,000.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (f) Resolution authorizing the City to enter into a contract with G & G, Inc., to provide labor, equipment, materials and incidentals necessary to clear cut, bushog as necessary, apply herbicide and cut grass as needed along the drainage ditch from Redbud Street to West Mobile Street and along West Mobile Street and Perry Street, in the amount of \$2,700.00, to be paid from budgeted funds, sponsored by Sam Pendleton.
- (g) Resolution authorizing the City to make a Grant Application to the Alabama Department of Economic and Community Affairs Law Enforcement Planning, under the Omnibus Crime Control and Safe Streets Act of 1968 (P.O. 90-351 as amended), for continued assistance, sponsored by Chief Singleton.
- (h) Resolution authorizing the City to enter into the Lauderdale County Drug Task Force Agreement, sponsored by Chief Singleton.
- (i) Resolution to approve the Lauderdale County Multi-Jurisdictional Hazard Mitigation Plan, sponsored by Melissa Bailey. **(Item was moved to Regular Agenda Item 12 (c))**

12. Regular Agenda:

- (a) Ordinance to authorize the issuance of the City's Water and Sewer Revenue Warrant, Series 2010-A-CWSRF-BL, and the City's Fifth Supplemental Indenture securing said Warrant, sponsored by Mike Doyle.
- (b) Ordinance to amend Chapter 13 of the Code of Florence, Alabama, as amended, to add ARTICLE VIII. WIRELESS COMMUNICATION DEVICES, sponsored by Andy Betterton.
- (c) Resolution to approve the Lauderdale County Multi-Jurisdictional Hazard Mitigation Plan, sponsored by Melissa Bailey. **(Item was moved from Consent Agenda Item 11(i))**

13. General Business:

- (a) Resolution to amend the budgets for the City's Fund 126, 127 and 159 Gas Tax Funds adopted October 6, 2009; appropriating the sum of \$610,595 from reserve fund balances for the purpose of funding the City's 2010 – 2011 street paving project. The amended appropriations combined with \$178,405 budgeted from the current fiscal year's revenue will provide \$789,000 for the 2010 – 2011 street paving project adopted by the City Council on July 6, 2010, sponsored by Dan Barger.
- (b) Resolution approving the budget amendment reflecting the effect on the Electricity Department of purchased power price changes and the corresponding rate changes to Florence Utilities' electricity customers, and other small budget revisions sponsored by Richard Morrissey and Vance Young.
- (c) Resolution approving the Utilities Budget Amendment No. 3 reflecting the effect on the Water and Wastewater Department of sales volume variances and other revisions sponsored by Mike Doyle and Vance Young.
- (d) Resolution approving the budget amendment reflecting the effect on the Gas Department of purchased gas price changes and the corresponding rate changes to Florence Utilities' gas customers, and other small budget revisions sponsored by Mike Doyle and Vance Young.

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Port Authority	Terrinell Lyons	02/21/06	07/21/10
Scope 310	Ray Jordan	08/15/06	07/21/10
	Reginald Owens	10/03/06	07/21/10
	Vacancy	07/21/92	07/21/10
Tourism Board	Vacancy		
	Ernest Haygood	09/19/95	07/17/10

- 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 noted that the City Council at it's earlier work session decided to move Consent Agenda Item 11(i) Resolution to approve the Lauderdale County Multi-Jurisdictional Hazard Mitigation Plan, sponsored by Melissa Bailey.

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:

In the absence of Mayor Irons, President Barnhart recognized and presented Certificates of Commendation to the Florence 9 year old All-Star Baseball Team. President Barnhart noted that the team won the 2010 Cal Ripken State Championship that was held at the Sportsplex last week.

President Barnhart also recognized and welcomed Dr. Janet Womack as the new Superintendent of Education for the Florence City Schools. President Barnhart noted that she is replacing Dr. Kendy Behrends who retired after 32 years of service to our school system.

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:

Mr. Rogers Kimbrell, 307 Davis Street, appeared and made comments in support of Regular Agenda Item 12 (b) Ordinance to amend Chapter 13 of the Code of Florence, Alabama, as amended, to add ARTICLE VIII. WIRELESS COMMUNICATION DEVICES, sponsored by Andy Betterton which bans cell phone use and texting while operating a motor vehicle. Mr. Davis stated that according to National Safety Council statistics that stated cell phone use and other communication devices that are used while operating a vehicle are responsible for 28% of all crashes.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (b) Ordinance to amend Chapter 13 of the Code of Florence, Alabama, as amended, to add ARTICLE VIII. WIRELESS COMMUNICATION DEVICES, sponsored by Andy Betterton. Mr. Simpson stated that sometime when you create a law, then you create criminals. Mr. Simpson also made comments regarding other distractions while driving a vehicle. Mr. Simpson made comments regarding Consent Agenda Item 11 (h) Resolution authorizing the City to enter into the Lauderdale County Drug Task Force Agreement, sponsored by Chief Singleton. Mr. Simpson stated that law enforcement agencies should also follow the law.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember moved for approval of (a) Approval of minutes of the Regular Meeting on July 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 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 authorize the issuance of the City's Water and Sewer Revenue Warrant, Series 2010-A-CWSRF-BL, and the City's Fifth Supplemental Indenture securing said Warrant, sponsored by Mike Doyle. 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 Graham moved for adoption of the foregoing Ordinance. Councilmember Jordan 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 Chapter 13 of the Code of Florence, Alabama, as amended, to add ARTICLE VIII. WIRELESS COMMUNICATION DEVICES, sponsored by Andy Betterton. Said Ordinance follows, to wit:

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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
James H. Barnhart
Andrew Betterton

Noes: Barry Morris

This Ordinance did not receive immediate consideration, therefore it will be carried over until the next City Council meeting.

City Clerk, Robert M. Leyde, presented a Resolution to approve the Lauderdale County Multi-Jurisdictional Hazard Mitigation Plan, sponsored by Melissa Bailey. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing Resolution.

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 Graham moved for adoption of the foregoing Resolution. Councilmember Jordan seconded the motion.

Discussion:

Councilmember Morris made comments in opposition to the approval of the resolution. Councilmember Morris stated that Lauderdale County received a copy of the document in January, 2010. Councilmember Morris stated that he did not have adequate time to read this document. Councilmember Morris also stated that the document was placed in his box last night.

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

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

Noes: Barry Morris

City Clerk, Robert Leyde presented a Resolution to amend the budgets for the City's Fund 126, 127 and 159 Gas Tax Funds adopted October 6, 2009; appropriating the sum of \$610,595 from reserve fund balances for the purpose of funding the City's 2010 – 2011 street paving project. The amended appropriations combined with \$178,405 budgeted from the current fiscal year's revenue will provide \$789,000 for the 2010 – 2011 street paving project adopted by the City Council on July 6, 2010, sponsored by Dan Barger. Said Resolution follows, to wit:

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 Jordan 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 Leyde, presented a Resolution approving the budget amendment reflecting the effect on the Electricity Department of purchased power price changes and the corresponding rate changes to Florence Utilities' electricity customers, and other small budget revisions sponsored by Richard Morrissey and Vance Young. Said Resolution follows, to wit:

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 Graham moved for adoption of the foregoing resolution. Councilmember Jordan 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 Leyde presented a Resolution approving the Utilities Budget Amendment No. 3 reflecting the effect on the Water and Wastewater Department of sales volume variances and other revisions sponsored by Mike Doyle and Vance Young. Said Resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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 Graham 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 Leyde presented a Resolution approving the budget amendment reflecting the effect on the Gas Department of purchased gas price changes and the corresponding rate changes to Florence Utilities' gas customers, and other small budget revisions sponsored by Mike Doyle and Vance Young. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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 Graham 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:

President Barnhart noted that at today's Work Session, the City Council voted to re-nominate Ms. Terrinell Lyons to the Port Authority, Mr. Ray Jordan and Mr. Reginald Owens to Scope 310 and Mr. Ernest Haygood to the Florence Tourism Board

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Port Authority	Terrinell Lyons	02/21/06	07/21/10
Scope 310	Ray Jordan	08/15/06	07/21/10
	Reginald Owens	10/03/06	07/21/10
	Vacancy	07/21/92	07/21/10
Tourism Board	Vacancy		
	Ernest Haygood	09/19/95	07/17/10

Business from the Public (5-minute time limit): None

Council Reports and/or Comments:

Councilmember Pendleton stated that he appreciates Dr. Behrends and Dr. Womack working together during the transition.

Councilmember Pendleton made comments about the recent newspaper articles regarding the University of North Alabama's plan to build stadium sky boxes, acquiring land, and moving up to Division 1. Councilmember Pendleton stated that he wanted to know what happened to the University's plan for a new science building. Councilmember Pendleton also stated that the University's current science building is in terrible condition. Councilmember Pendleton stated that a good science technical lab is a good recruitment tool for our area.

Councilmember Jordan made comments in support of the construction of a new science building. Councilmember Jordan stated that the University of North Alabama Trustees need to get their priorities in order. Councilmember Jordan stated that the number one priority should be a new science building. Councilmember Jordan also stated that the economic impact of a new science building could increase the University's enrollment by 3,000 students and moving to Division 1A would increase enrollment by 600 students.

Councilmember Graham welcomed Dr. Janet Womack, new Superintendent of Education for the Florence City Schools, to the City Council meeting.

Councilmember Graham expressed his concerns for the University of North Alabama. Councilmember Graham stated that he is disappointed that the funding for the new science building is not already in place. Councilmember Graham stated that starting an engineering technical program is vital to be able to recruit Homeland Security Funding. Councilmember Graham also stated that Senator Shelby and Senator Sessions should be able to get appropriations for our University as they have been able to do for the University of Alabama.

Councilmember Graham congratulated the 9 year old All-Stars that were honored at tonight's meeting. Councilmember Graham noted that the date for the District 1 Community meeting has been changed to August 6th.

Councilmember Morris welcomed Dr. Janet Womack to the City Council meeting.

Councilmember Morris made comments regarding the University of North Alabama. Councilmember Morris stated that he knows of no such plan to move to Division 1 and that the University is studying the cost of such a plan. Councilmember Morris stated that the University is a multi-faceted institution and has a mission for more than one thing.

Councilmember Morris made comments in opposition regarding the proposed ordinance to ban wireless communication use in motor vehicles.

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Councilmember Morris stated that the ordinance inadequate. Councilmember Morris also stated that using cell phones in vehicles are distracting, but there are many other distractions.

Councilmember Morris stated that hands free cell phone use is just as distracting as hand-held cell phone use. Councilmember Morris noted that the proposed ordinance allows hands free cell phone use which would give individuals a false sense of security. Councilmember Morris quoted a study performed by Highway Loss Data Institute that stated a ban on cell phone use is not effective and does not reduce automobile accidents. Councilmember Morris stated that this law will be unenforceable and/or will be ignored. Councilmember Morris stated that the fine for the first offence will be \$100 and add court cost of \$250 and the fine for the second offence will be \$200 and twenty days in jail. Councilmember Morris stated that the fine for the third offence will be \$500 and up to three months in jail. Councilmember Morris stated that he has tried very hard to stop this ordinance and encouraged citizens to call your City Council representative.

Councilmember Betterton welcomed Dr. Womack, her husband and children to our area. Councilmember Betterton stated that Dr. Womack has plans to stay connected to the City Leaders. Councilmember Betterton also congratulated the 9 year old All-Stars that were honored at tonight's meeting.

Councilmember Betterton stated that he supports the new science building at the University of North Alabama and that he believes it could be the most important economic development tool in our area.

Councilmember Betterton made comments in support of the proposed ordinance to ban hand-held cell phone use in motor vehicles. Councilmember Betterton stated that he is just one vote on the City Council. Councilmember Betterton stated that his two focuses are safety and saving lives. Councilmember Betterton stated that he does not want anyone to get a ticket, but we must realize our important this issue is for everyone's safety. Councilmember Betterton also stated that we must change our behavior. Councilmember Betterton stated that the most savvy cell phone and text users are the least experienced drivers. Councilmember Betterton also stated that he believes that as the seat belt law saves lives, so will adopting a cell phone ban.

President Barnhart made comments regarding the University of North Alabama. President Barnhart stated that the taxpayers in Florence are not responsible for funding the University of North Alabama. President Barnhart also stated that he is not going to vote to give away taxpayer's money to take care of the University of North Alabama. President Barnhart stated that the City of Florence has major drainage problems and that is what this Council needs to be taking care of.

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President Barnhart also stated that we should be concerned with our own children in K-12 and provide them with funding if necessary. President Barnhart also stated that the majority of students at the University of North Alabama are not from Florence and the citizens of Florence should not have the burden of providing funds for their education.

Councilmember Betterton presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK