

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
August 3, 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, August 3, 2010. President Barnhart called the meeting to order. 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.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

August 3, 2010

5:00 P.M.

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 July 20, 2010.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Geo-Source, Inc., to provide geotechnical and other services for the proposed Skate Park Bowl Project, in the amount of \$4,250.00, to be paid from budgeted funds, sponsored by Todd Nix.
- (d) Resolution authorizing the City to approve a License Agreement with the University of North Alabama for 177 parking spaces on Levels J,K,L and M in the Downtown Parking Deck for additional UNA student parking for a time period from August 21, 2010 to May 15, 2011, in the amount of \$6.00 per month per space for a total amount of \$9,558.00, sponsored by Bob Leyde.
- (e) Resolution authorizing the City to enter into a contract with Scottie Lambert to provide labor, equipment, materials and incidentals necessary to cut and remove hay

from the property located northwardly and adjacent to the Florence Sanitary Landfill; the hay shall constitute payment in full, sponsored by David Koonce.

- (f) Resolution authorizing the City to enter into a contract with Shoals MPE, LLC, to provide labor, equipment, materials and incidentals necessary to install emergency stop buttons for the fuel islands located at the Street Department, Fire Station No. 1 and the Florence Sanitary Landfill, in the amount of \$2,575.00, to be paid from budgeted funds, sponsored by David Koonce.
- (g) Resolution authorizing the City to enter into a contract with Austin Fencing, Inc., to provide labor, equipment, materials and incidentals necessary to replace approximately 900 linear feet of fencing at the Florence Cemetery, in the amount of \$16,560.00, to be paid from budgeted funds, sponsored by Todd Nix.
- (h) Resolution authorizing the City to enter into a contract with North Alabama Paving, Inc., to provide labor, equipment, materials and incidentals necessary to repair as needed and apply a sealer coat to the track around the football field at Braly Municipal Stadium, in the amount of \$3,698.00, to be paid from budgeted funds, sponsored by Todd Nix.
- (i) Resolution authorizing the City to enter into a contract with LAI Engineering, to provide professional civil engineering services for the Florence Sanitary Landfill, to be paid monthly according to the attached Hourly Rate Schedule, sponsored by David Koonce. **(Item moved to Regular Agenda Item 12 (b))**
- (j) Resolution authorizing the City to enter into an Agreement with *Give a Kid a Chance* to organize and host a back-to-school outreach program, in the amount of \$2,000.00, to be paid from budgeted funds, sponsored by Mayor Irons and City Council.
- (k) Resolution authorizing the City to enter into a contract with Vines Masonry, Inc., to provide labor, equipment, materials and incidentals necessary to repair chimneys at Pope's Tavern, in the amount of \$4,860.00, to be paid from budgeted funds, sponsored by Todd Nix.
- (l) Resolution authorizing the City to approve the renewal of Excess Workers' Compensation coverage from Safety National Casualty Corporation prepared by Avizent, sponsored by Barry Brewer.
- (m) Resolution to reappoint Terrinell Lyons to the Florence-Lauderdale Port Authority, sponsored by the City Council.
- (n) Resolution to reappoint Ray Jordan to the SCOPE 310 Board.
- (o) Resolution to reappoint Reginald Owens to the SCOPE 310 Board.
- (p) Resolution to reappoint Ernest Haygood to the Florence-Lauderdale Tourism Board.
- (q) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to amend Chapter 13 of the Code of Florence, Alabama, as amended, to add ARTICLE VIII. WIRELESS COMMUNICATION DEVICES, sponsored by Andy Betterton. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 07/20/2010 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)**
- (b) Resolution authorizing the City to enter into a contract with LAI Engineering, to provide professional civil engineering services for the Florence Sanitary Landfill, to be paid monthly according to the attached Hourly Rate Schedule, sponsored by David Koonce. **(This item was moved from Consent Agenda Item 11(i))**

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Package Liquor Store with Off-Premises Liquor, Beer & Wine by KENDRICK SPIRITS LLC, d/b/a KENDRICK SPIRITS, located at 3376 CLOVERDALE ROAD, FLORENCE, AL 35633, 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 PEKING ENTERPRISES LLC, d/b/a PEKING ENTERPRISES, located at 1701 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (c) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by SHIRLEY YOUNG, d/b/a TOURWAY PANCAKE RESTAURANT, located at 1917 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (d) Resolution – Special Events Alcohol Beverage License Application by ON THE ROCKS LLC, d/b/a ON THE ROCKS, located at 110 N. COURT STREET, FLORENCE, AL 35630 to serve alcohol in the street during the Sam Phillips Music Festival on October 16, 2010, sponsored by Robert M. Leyde.
- (e) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Scope 310	Vacancy	07/21/92	07/21/10
Tourism Board	Vacancy		

14. Business from the public (5-minute time limit).

15. Council Members reports and/or comments (5-minute limit).

Councilmember Jordan
 Councilmember Graham
 Councilmember Morris
 Councilmember Betterton
 Councilmember Pendleton
 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 authorizing the City to enter into a contract with LAI Engineering, to provide professional civil engineering services for the Florence Sanitary Landfill, to be paid monthly according to the attached Hourly Rate Schedule, sponsored by David Koonce to Regular Agenda Item 12 (b).

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

Councilmember Betterton moved for approval of the agenda. Councilmember Pendleton 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 presented a Proclamation designating the month of August as “Children’s Vision and Learning Month. The Proclamation was received by Dr. Sidney Greenberg, a local optometrists.

Mayor Irons gave an up-date on our local economy. Mayor Irons stated that sales & use tax revenues have improved for the fourth consecutive month, lodging taxes have increased, and employment is up. Mayor Irons also noted that three new hotels have recently opened in Florence. Mayor Irons expression his appreciation to the One Stop Shop program for their work with new and existing businesses.

Reports of Department Heads:

George Grabryan, Director of Emergency Management, stated that EMA will be conducting exercises tomorrow at the Lauderdale County Courthouse at 5:00 p.m. and also at the University of North Alabama on Thursday, August 5th.

Reports of Standing Committees: None

Public Hearings: None

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

Mr. Justin Michael, 215 Birch Terrace, appeared and made comments in opposition to Regular Agenda Item 12 (a) 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. Michael stated that a ban on cell phone use and texting would greatly impact salespeople who must talk to their clients and for families who receive calls from their children.

Mr. Scott Morris, Stoney Creek Drive, appeared and made comments in opposition to Regular Agenda Item 12 (a) 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. Morris stated that he vehemently opposes the ban on cell phone use and texting in motor vehicles. Mr. Morris stated that eating, applying make-up and talking to others in your vehicle is just as distracting.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (a) 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 this ordinance would over-burden our police officers

Mr. Hal Williams, Knights Bridge Road, appeared and made comments in opposition to Regular Agenda Item 12 (a) 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. Williams stated that education needs to begin at the high school level in the Drivers' Education classroom.

Mr. John Crowder, 421 Knottingham Road, appeared and made comments in support of Regular Agenda Item 12 (a) 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. Crowder stated that if this ordinance is approved the Florence Police should be charged with a mandate to strictly enforce this ordinance.

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 July 20, 2010 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

August 3, 2010

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 Chapter 13 of the Code of Florence, Alabama, as amended, to add ARTICLE VIII. WIRELESS COMMUNICATION DEVICES, sponsored by Andy Betterton. **(THIS RESOLUTION DID NOT RECEIVE A UNANIMOUS VOTE FOR IMMEDIATE CONSIDERATION AT THE 07/20/2010 COUNCIL MEETING. A VOTE FOR ADOPTION IS ALL THAT IS NEEDED AT THIS TIME.)** Said Ordinance follows, to wit:

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

Discussion:

Councilmember Jordan made comments in opposition to the proposed ordinance.

Councilmember Pendleton made comments in opposition to the proposed ordinance.

Councilmember Pendleton stated that he would not punish innovation. Councilmember Pendleton also stated that he is not willing to re-visit this ordinance in the future.

Councilmember Graham made comments in support of the proposed ordinance.

Councilmember Graham stated that the only distraction you ever hear being discussed regarding motor vehicles are cell phone use and texting. Councilmember Graham also stated that according to AT&T, you are 17 times more likely to cause an accident while using a cell phone.

Councilmember Morris's comments follow, to wit:

City of Florence, Al
Minutes of City Council
August 3, 2010

Councilmember Betterton's comments follow, to wit:

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

Ayes: Hermon T. Graham
James H. Barnhart
Andrew Betterton

Noes: Sam Pendleton, Jr.
William D. Jordan
Barry Morris

(The ordinance failed by a 3 to 3 vote)

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with LAI Engineering, to provide professional civil engineering services for the Florence Sanitary Landfill, to be paid monthly according to the attached Hourly Rate Schedule, sponsored by David Koonce. **(This item was moved from Consent Agenda Item 11(i))** Said Resolution follows, to wit:

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 Pendleton moved for adoption of the foregoing Resolution.

Councilmember Graham seconded the motion.

Discussion:

Councilmember Jordan made comments in opposition to the proposed Resolution.

Councilmember Jordan stated that he questions the validity and accuracy of LAI Engineering.

Councilmember Jordan also stated that he disagrees with the January 2010 report by LAI Engineering that states the Florence Country Club property is suitable for a landfill site.

Councilmember Pendleton made comments in support of the proposed Resolution.

Councilmember Pendleton stated that LAI Engineering has been monitoring our current landfill for a number of years and the City has had no violations from ADEM during this period.

Councilmember Pendleton also stated that we need sufficient information to either expand the current landfill or close it.

Councilmember Morris stated that according to David Koonce, Director of Solid Waste, LAI Engineering has been performing these duties for years but now instead of a personal service payment, we will now have a signed contract.

Councilmember Jordan stated that there other competent engineering firms that could perform the same work as LAI Engineering.

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

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

Noes: William D. Jordan

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 KENDRICK SPIRITS LLC, d/b/a KENDRICK SPIRITS, located at 3376 CLOVERDALE ROAD, FLORENCE, AL 35633, sponsored by Robert M. Leyde. 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 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

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 PEKING ENTERPRISES LLC, d/b/a PEKING ENTERPRISES, located at 1701 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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.
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 – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by SHIRLEY YOUNG, d/b/a TOURWAY PANCAKE RESTAURANT, located at 1917 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

City of Florence, AL
Minutes of City Council
August 3, 2010

Councilmember Graham 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 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 – Special Events Alcohol Beverage License Application by ON THE ROCKS LLC, d/b/a ON THE ROCKS, located at 110 N. COURT STREET, FLORENCE, AL 35630 to serve alcohol in the street during the Sam Phillips Music Festival on October 16, 2010, sponsored by Robert M. Leyde. 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 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

Board Openings:

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Scope 310	Vacancy	07/21/92	07/21/10
Tourism Board	Vacancy		

President Barnhart noted that there is a vacancy on the Scope 310 Board and anyone with interest should contact the Mayor's Office for an application. President Barnhart also noted that the City Council voted to nominate Mr. David Abramson to the Florence/Lauderdale Tourism at today's work session. President Barnhart stated that the nomination will appear on the agenda at the next City Council meeting.

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

Mr. John Crowder, 421 Knottingham Road, appeared and made comments regarding the removal of political signs. Mr. Crowder stated that there are political signs of candidates who lost in the Primary Election scattered along roadways.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding the approval of four alcohol beverage applications at tonight's meeting. Mr. Simpson stated that driving while intoxicated is illegal.

Council Reports and/or Comments:

Councilmember Jordan thanked the Boy Scouts for their attendance tonight. Councilmember Jordan also thanked everyone that appeared and spoke for and against the cell phone ban. Councilmember Jordan thanked Mr. Ernest Haygood for his service on the Florence/Lauderdale Tourism Board.

Councilmember Graham recognized the Boy Scouts in attendance tonight. Councilmember Graham also recognized Mr. & Mrs. Sonny Hendon who recently celebrated their 60th wedding anniversary.

Councilmember Graham reminded everyone of the District 3 Community meeting on August 5th at 6:00 p.m. at Broadway Recreation Center.

Councilmember Morris made comments regarding the State of Alabama, Act 2010-735 which restricts 16 & 17 years old licensed drivers from operating a vehicle while using any hand held device such as a cell phone. Councilmember Morris noted that this Act takes effect this month.

Councilmember Betterton stated that he would support and honor the decision that was made tonight regarding cell phones and texting. Councilmember Betterton noted that his number one goal regarding this proposed ban was public awareness and safety.

Councilmember Betterton thanked all the organizers of the Handy Festival for their hard work. Councilmember Betterton also thanked Mr. Jim Bevis for his years of service on the Florence/Lauderdale Tourism Board. Councilmember Betterton congratulated the finalists for Shoals Woman of the Year.

Councilmember Pendleton asked the Boy Scouts to come forward and introduce themselves. In attendance were Tyler Senn, 195 Haddock Lane, of Troop #284 and Jordan Gandy, 1213 North Pine Street, of Troop #284.

President Barnhart stated that the solution for cell phone and texting ban must come from the State and Federal governments.

City of Florence, AL
Minutes of City Council
August 3, 2010

Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK